



PROVINCE OF ONTARIO

1954

The Department of Education Act, 1954

The Public Schools Act

The Schools Administration Act, 1954

The Secondary Schools and
Boards of Education Act, 1954

The Separate Schools Act

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THE DEPARTMENT OF EDUCATION ACT, 1954

Statutes of Ontario, 1954

CHAPTER 20

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act, 1954

*The Public Schools Act

The Schools Administration Act, 1954

*The Secondary Schools and Boards of
Education Act, 1954

*The Separate Schools Act

The Ontario School Trustees' Council Act, 1953

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Department of Education Act, 1954

Statutes of Ontario, 1954

CHAPTER 20

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means public school board, separate school board, continuation school board, high school board or board of education; R.S.O. 1950, c. 94, s. 1, cl. (a), *amended*.
- (b) "Department" means Department of Education; R.S.O. 1950, c. 94, s. 1, cl. (b).
- (c) "elementary school" means public school or separate school;
- (d) "high school" includes collegiate institute; *New*.
- (e) "Minister" means Minister of Education; R.S.O. 1950, c. 94, s. 1, cl. (c).
- (f) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (g) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
- (h) "probationary teacher" means a teacher employed for a probationary period,
 - (i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or

- (ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher; 1952, c. 18, s. 1, *part*.

- (i) "regulations" means regulations made under this Act; 1952, c. 18, s. 1, *part, amended*.
- (j) "secondary school" means continuation school, high school or vocational school; *New*.
- (k) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 18, s. 1, *part*.

Administra-
tion

2. The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1950, c. 94, s. 3 (1), *amended*.

Department
of Educa-
tion

3. There shall continue to be a department of the public service known as the Department of Education and the Minister shall preside over and have charge of the Department. R.S.O. 1950, c. 94, s. 2 (1), *amended*.

Annual
report

4.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 94, s. 6.

Credits
for atten-
dance in
special cases

5. For the purpose of calculating legislative grants, the Minister may add to the actual aggregate attendance of a school the number of days' attendance lost by pupils,

- (a) who left school to enlist in Her Majesty's Forces or to become employed in the production of food or other essential war materials, and whose absence from school was in accordance with the regulations; or
- (b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or

- (c) who were absent from school because of the closing of one or more classrooms because of fire, flood or the breakdown of the school heating plant or a similar emergency which, in the opinion of the Minister, was unavoidable; or
- (d) who were absent from school in the month of June when their regular classroom work was discontinued because of the holding of examinations which they were not required to write. R.S.O. 1950, c. 94, s. 11, *amended*.

6.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period. Closing of school or class

(2) Where a school or class is closed for a specified period under subsection 1, the school or class shall, for the purpose of calculating legislative grants, the cost of education of county pupils, and the fees, if any, of other pupils, be deemed to have been open during the period with a perfect aggregate daily attendance. R.S.O. 1950, c. 94, s. 10, *amended*. Calculation of grants

7. There shall be payable out of the Consolidated Revenue Fund annually the sum of \$6,000 to be awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario. R.S.O. 1950, c. 94, s. 13 (1), *amended*. Scholarships for study outside Ontario

8.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures. R.S.O. 1950, c. 94, s. 8 (1), *amended*. Guarantee of debentures

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. R.S.O. 1950, c. 94, s. 8 (2). Form of guarantee

(3) Any debenture issued by a school board or municipality, payment of which is guaranteed by the Province under this section, shall be valid and binding upon the school board or municipality by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question upon any ground whatsoever. R.S.O. 1950, c. 94, s. 8 (3), *amended*. Validity of guaranteed debentures

Fixing rate
of interest
on debentures,
etc., held by
Treasurer

9. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1950, c. 94, s. 9.

Courses of
study,
reference
books, etc.

10.—(1) The Minister shall define the courses of study in the prescribed subjects of Grade 13.

Idem.

(2) The Minister may,

- (a) recommend for the guidance of boards and teachers the programme in kindergarten;
- (b) define the courses of study, recommend courses of study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive;
- (c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes;
- (d) recommend reference books and library books for use by pupils, teachers and teachers-in-training;
- (e) approve text-books for use in Grade 13, teachers' colleges, and provincial technical and polytechnical institutes;
- (f) determine the number of terms and the dates upon which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind.

Application
of Rev. Stat.,
c. 337

(3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. *New.*

11.—(1) The Minister may,Powers of
Minister

- (a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he deems such payment necessary or desirable; R.S.O. 1950, c. 94, s. 5, cl. (c), *amended*.
- (b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto; R.S.O. 1950, c. 94, s. 5, cl. (d), *amended*.
- (c) grant a temporary or interim certificate of qualification as a teacher to a person who, although not a British subject, is otherwise qualified and,
 - (i) has applied to become a British subject and whose application is pending, or
 - (ii) has filed a declaration of intention to become a Canadian citizen in accordance with the *Canadian Citizenship Act* (Canada); R.S.O. ^{R.S.C. 1952}_{c. 33} 1950, c. 94, s. 7, *part, amended*.
- (d) grant a letter of permission to a board authorizing the board to employ an unqualified person as a teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister specifies therein; *New*.
- (e) suspend or cancel any certificate or diploma granted under this Act or the regulations; R.S.O. 1950, c. 94, s. 5, cl. (i), *amended*.
- (f) appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under *The Public* ^{Rev. Stat.,}_{c. 308} *Inquiries Act*; R.S.O. 1950, c. 94, s. 5, cl. (j).
- (g) submit a case on any question arising under *The* ^{1954, c. 86;}_{Rev. Stat.,} *Schools Administration Act, 1954, The Public Schools* ^{cc. 316, 356;}_{1954, c. 87} *Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act, 1954* or this Act to a judge of the Supreme Court for his opinion and

decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision; R.S.O. 1950, c. 94, s. 5, cl. (g), *amended*.

- (h) determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer;
- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit; R.S.O. 1950, c. 94, s. 5, cls. (h, a).
- (j) require employees of school boards to submit to medical examinations; 1951, c. 18, s. 1, *amended*.
- (k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in the college of education established under section 16; R.S.O. 1950, c. 94, s. 5, cl. (l), *amended*.
- (l) provide for courses of training for inspectors. R.S.O. 1950, c. 316, s. 122 (1), *part*.

Termination
of contract
where wel-
fare of
school
involved
1954, c. 86

(2) Notwithstanding Part III of *The Schools Administration Act, 1954* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises which in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract shall become terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract shall thereupon become terminated. 1953, c. 27, s. 3.

Regulations,
general

12.—(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant-Governor in

Council, the Minister may make regulations with respect to schools or classes established under *The Public Schools Act, The Separate Schools Act, The Schools Administration Act, 1954, The Secondary Schools and Boards of Education Act, 1954* or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,

Rev. Stat.,
cc. 316, 356;
1954, cc. 86,
87

- (a) for the establishment, organization, administration and government thereof;
- (b) governing the admission of pupils;
- (c) respecting the examination and inspection of auxiliary classes, the dismissal of pupils therefrom, and the term of residence of pupils therein;
- (d) requiring boards to purchase books for the use of pupils;
- (e) prescribing the accommodation and equipment of buildings and the arrangement of premises;
- (f) for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;
- (g) for the establishment and regulation of cadet corps,
- (h) governing the granting of permanent, temporary; interim, special and other certificates of qualification;
- (i) authorizing the Minister to designate a high school as a collegiate institute and to redesignate a collegiate institute as a high school, and prescribing the conditions under which he may do so;
- (j) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;
- (k) governing the establishment and maintenance of public, high and vocational schools on lands held

by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;

- (l) governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils;
- (m) providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes;
- (n) fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands which are exempt from taxation for school purposes, and authorizing boards,
 - (i) to charge those pupils a fee in accordance with that method, or
 - (ii) instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;
- (o) providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof;
- (p) governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat;
- (q) prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;

- (r) for granting diplomas and certificates of standing;
- (s) prescribing the subjects that shall be taught, and the subjects that may be taught, in Grades 1 to 13 inclusive;
- (t) prescribing subjects leading to diplomas and certificates of standing;
- (u) providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions;
- (v) for the establishment and regulation of school gardens;
- (w) for the establishment and regulation of school libraries;
- (x) subject to the approval of the Minister of Health, for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941;
- (y) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;
- (z) prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, supervisory officers, heads of departments, principals, inspectors, superintendents, bursars, matrons, directors, school attendance officers and other officials;
- (za) prescribing the duties of pupils;
- (zb) prescribing the qualifications and experience which will be recognized for the purpose of,
 - (i) qualifying persons to teach,
 - (ii) admitting persons to schools, and
 - (iii) permitting persons to write examinations;
- (zc) providing for assistance in the payment of the cost of education of children under eighteen years of age, whose mental capacity is incapable of development

beyond that of a child of normal mentality at eight years of age, in classes conducted by parents' groups which are affiliated with the Ontario Association for Retarded Children;

- (zd) prescribing the powers and duties of boards and township councils with respect to the appointment and duties of school attendance officers, providing for the issuing of home permits and employment certificates, and providing for the giving of notices and the making of returns in connection with school attendance;
- (ze) prescribing forms to be used for the purposes of this Act and the regulations;
- (zf) approving the text-books for use in Grades 1 to 12 inclusive;
- (zg) governing the transportation of pupils to and from elementary and secondary schools;
- (zh) providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning;
- (zi) establishing the number of scholarships and prescribing the terms and conditions under which they may be awarded and the courses of study to be pursued, in connection with the scholarships provided for under section 7;
- (zj) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 94, s. 4 (1), *part*, s. 13 (2); 1952, c. 18, s. 2 (1); 1953, c. 27, s. 2 (2); R.S.O. 1950, c. 6, s. 20; R.S.O. 1950, c. 29, s. 12; R.S.O. 1950, c. 347, s. 20; *amended*.

Regulations,
grants

(2) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;

(b) prescribing the conditions governing the payment of legislative grants;

(c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister. R.S.O. 1950, c. 94, s. 4 (1), cls. (zb-zd), *amended*.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education, ^{Regulations, community programmes, etc.}

(a) providing for programmes therefor;

(b) governing the granting of municipal recreation directors' interim and permanent certificates, and governing the renewal of municipal recreation directors' interim certificates;

(c) authorizing,

(i) municipal councils to appoint recreation committees with the approval of the Minister, or authorizing two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation committees with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees, or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors, and

(iv) two or more municipalities to enter into agreements,

for the purpose of programmes of recreation;

(d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programmes of recreation;

- (e) prescribing definitions of joint recreation programme, joint recreation committee, municipal recreation programme, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation programme, recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programmes of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
 - (i) programmes of adult education, recreation, camping and physical education,
 - (ii) leadership training camps, and
 - (iii) the maintenance of historical, literary and scientific institutions;
- (h) prescribing the conditions governing the payment of grants for,
 - (i) programmes of adult education,
 - (ii) programmes of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (i) authorizing the Minister to determine the number of assistants and area community programmes in respect of which grants may be paid for programmes of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programmes of recreation, and fixing the amounts thereof. R.S.O. 1950, c. 94, s. 4 (2); 1953, c. 27, s. 2 (3), *amended*.

Interpre-
tation

(4) In subsection 3, "physical education" includes recreation for crippled persons under the age of nineteen years. R.S.O. 1950, c. 94, s. 4 (3).

13.—(1) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting vocational training as contemplated in the *Vocational Training Co-ordination Act* (Canada). Vocational training agreements R.S.C. 1952, c. 286

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act. *New.* Pupils at Indian schools R.S.C. 1952, c. 149

14.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry. *R.S.O. 1950, c. 413, s. 17 (1, 4), amended.* Establishment of technical institutes

(2) For the purpose of subsection 1, the Minister may enter into an agreement with any organization representing one or more branches of industry. Agreements

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute. *R.S.O. 1950, c. 413, s. 17 (2, 3).* Naming of institutes

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee. *R.S.O. 1950, c. 413, s. 18 (1), amended.* Conduct of technical institutes;

(5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board and the institute board shall be assisted by an advisory committee for each branch of industry in which training is given at the institute. *R.S.O. 1950, c. 413, s. 19 (1), amended.* polytechnical institutes

(6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization which has entered into an agreement under subsection 2. *R.S.O. 1950, c. 413, s. 20.* Cost of establishment and maintenance

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant-Governor in Council, may make regulations with respect to such institutes, Regulations

- (a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;
- (b) prescribing the duties and powers of institute boards and advisory committees;
- (c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;
- (d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;
- (e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;
- (f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;
- (g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;
- (h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof. R.S.O. 1950, c. 413, s. 21, *amended*.

Alternative
admission
requirements

(8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. R.S.O. 1950, c. 413, s. 22.

15.—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is hereby continued under the administration of the Minister. Continuation of School for Deaf;

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is hereby continued under the administration of the Minister. R.S.O. 1950, c. 350, ss. 2, 5 (1) *part, amended*. School for Blind

(3) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant-Governor in Council, may make regulations with respect to the said schools, Regulations

(a) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school, and

(ii) be discharged from a school;

(b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;

(c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;

(d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

(e) prescribing the manner in which pupils shall dress while attending a school;

(f) authorizing a superintendent to specify the type and minimum amount of clothing which a parent or guardian shall provide for a pupil;

(g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;

(h) authorizing a superintendent to dismiss a pupil at any time for,

(i) misconduct or failure to make satisfactory progress in a school, or

(ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;

(i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind. R.S.O. 1950, c. 350, ss. 5 *part*, 6, *amended*.

Expenses

(4) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. *New.*

College of education

16.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may,

(a) establish, maintain and conduct a college of education for the professional training and instruction of teachers; or

(b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college.

Expenses

(2) The cost of the establishment, maintenance and conduct of the college of education shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1950, c. 94, s. 12, *amended*.

Teachers' colleges, etc.

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may,

(a) establish, maintain and conduct teachers' colleges and summer and winter courses for the training and instruction of teachers; and

(b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers' college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

(2) The cost of the establishment, maintenance and conduct of teachers' colleges and summer and winter courses shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. *New.*

18.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1950, c. 94, s. 15, *amended.* Expenses

19. All regulations heretofore made under,

(a) *The Adolescent School Attendance Act*;

Present regulations continued

(b) *The Department of Education Act*;

Rev. Stat., c. 6

(c) *The High Schools Act*;

Rev. Stat., c. 94

(d) *The School Attendance Act*; and

Rev. Stat., c. 165

(e) *The Vocational Education Act*,

Rev. Stat., c. 347

Rev. Stat., c. 413

that are in force on the day this Act comes into force shall, except in so far as they are inconsistent with this Act, be deemed to have been made under this Act.

20. The following are repealed:

Repeal

1. *The Department of Education Act.*

Rev. Stat., c. 94

2. *The Department of Education Amendment Act, 1951.* 1951, c. 18

3. *The Department of Education Amendment Act, 1952.* 1952, c. 18

4. *The Department of Education Amendment Act, 1953.* 1953, c. 27

5. *The Schools for the Deaf and Blind Act.*

Rev. Stat., c. 350

21. This Act comes into force on the day it receives Royal Assent. Commencement

22. This Act may be cited as *The Department of Education Act, 1954.* Short title

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THE PUBLIC SCHOOLS ACT

Revised Statutes of Ontario, 1950

CHAPTER 316

*As amended by 1951, Chapter 73; 1953, Chapter 90
and 1954, Chapter 79*



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1954

PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act, 1954

*The Public Schools Act

The Schools Administration Act, 1954

*The Secondary Schools and Boards of
Education Act, 1954

*The Separate Schools Act

The Ontario School Trustees' Council Act, 1953

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Public Schools Act

CHAPTER 316

Revised Statutes of Ontario, 1950

1. In this Act,

Interpreta-
tion

- (a) "board" means board of public school trustees;
- (b) "city inspector" means an inspector who devotes his full time to the inspection of the public schools of a city;
- (c) "city inspectorate" means a city where there are one or more inspectors devoting full time to the inspection of the public schools of the city;
- (d) "elector" means, in a municipality, any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school; and in a school section in an unorganized township or in an unsurveyed district, "elector" means any person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school;
- (e) "inspector" means public school inspector;
- (f) "inspectorate" means the territory for which an inspector is appointed;
- (g) "Minister" means Minister of Education;
- (h) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (i) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
- (j) "probationary teacher" means a teacher employed for a probationary period,

- (i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
- (ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

- (k) "ratepayer" means person entered on the last revised assessment roll as a public school supporter for the school section or municipality;

Rev. Stat.,
c. 94.

- (l) "regulations" means regulations made under *The Department of Education Act*;

- (m) "school section" means a locality formed of the whole of or any area in or any part of a township or of the whole or part of one or more townships or of the whole or any part of an urban municipality and the whole of or any area in or any part of an adjacent township for which a public school board has been or is established under the authority of this Act;

- (n) "school site" means land necessary for a school-house, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith;

- (o) "secretary" or "treasurer" includes secretary-treasurer;

- (p) "separated town" means a town which does not form part of a county for municipal purposes;

- (q) "teacher" means a person holding a legal certificate of qualification;

- (r) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year;

- (s) "township" includes union of townships;

- (t) "township board" means a board having jurisdiction over all the public schools in a township;

(u) "urban municipality" means a city, town or village.

R.S.O. 1950, c. 316, s. 1; 1953, c. 90, s. 1.

2. The regulations, though not specially referred to, shall ^{Application of regula-} apply to any matter or thing contained in this Act, so far as ^{tions} they are consistent with this Act. R.S.O. 1950, c. 316, s. 2.

3. Nothing in this Act authorizing the levying or collecting ^{Exemption of sup-} of rates on taxable property for public school purposes shall ^{porters of} apply to the supporters of Roman Catholic separate schools, ^{Roman Catholic separate schools} except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while the property was subject to taxation for such purposes. R.S.O. 1950, c. 316, s. 3.

4. Until altered under the authority of this Act, all public ^{Existing school} school sections or other public school divisions shall continue ^{arrange-} as they now exist, and all trustees duly elected and all officers ^{ments con-} ^{tinued} duly appointed shall continue in office, and all agreements, contracts, assessments and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect shall continue subject to the provisions of this Act. R.S.O. 1950, c. 316, s. 4.

PUBLIC SCHOOLS TO BE FREE

5.—(1) All schools established under this Act shall be free ^{Public schools to be free} public schools, and every person between the ages of five and twenty-one years, except persons whose parents or guardians are separate school supporters, and except persons who, by reason of mental or physical defect, are unable to profit by instruction in the public schools, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

(2) Where a question arises as to whether or not a person ^{Mental or physical defects} can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, whose decision shall be final.

(3) Children between the ages of three and seven years may ^{Right to attend kindergarten schools} attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

(4) Every corporation, society, agent or person having the ^{Rights of persons having charge of children} custody of a child, and being a public school supporter, shall be entitled to send the child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in the municipality or school section, and every such corporation, society, agent or person shall be

Rev. Stat., c. 347 subject to the provisions of *The School Attendance Act* in the same manner and to the same extent as a ratepayer. R.S.O. 1950, c. 316, s. 5.

(Section 6 repealed by 1954, c. 79, s. 1.)

RELIGIOUS INSTRUCTION

Religious exercises

7.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious instruction

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1950, c. 316, s. 7.

SCHOOL VISITORS

Public school visitors defined

8.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Their powers

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. R.S.O. 1950, c. 316, s. 8.

SCHOOL LANDS

School lands granted before 1850 vested in trustees for school purposes

9.—(1) All lands which before the 24th of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which the lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are now respectively held.

Disposal of school lands by boards

(2) Notwithstanding anything in subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the

approval of the Lieutenant-Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1950, c. 316, s. 9.

SELECTION OF SCHOOL SITES BY RURAL BOARDS

10.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing schoolhouse, or where a petition in that behalf is presented by twenty-five per cent of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether it be the present site or a new site, and if a majority of the ratepayers present at the meeting by resolution approve of it, the site shall be adopted by the board, and no site shall be adopted by the board until so approved, except as provided in subsections 2, 3 and 4.

(2) In case a majority of the ratepayers present at the special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator, and the three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries thereof or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

(3) With the consent or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed, shall meet and determine the matter,

and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. R.S.O. 1950, c. 316, s. 10.

ACTIONS TO SET ASIDE AWARDS

Consent of majority of ratepayers to action to set aside award

11. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. R.S.O. 1950, c. 316, s. 11.

SCHOOL WALLS AND FENCES

Fence

12. Any wall or fence deemed necessary by the board or required by the regulations for the enclosure of the school premises shall be erected and maintained by the board. R.S.O. 1950, c. 316, s. 12.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD

Enlarge-ment of school site

13. Where the area of a rural school site is less than is required by the regulations the board may, without reference to a special meeting of the ratepayers, enlarge the site so as to conform to the regulations. R.S.O. 1950, c. 316, s. 13.

ALTERATION OF SECTION BOUNDARIES

Union of two or more sections

14.—(1) The council of a township may pass by-laws,

- (a) to unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united; but when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or may divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

- (b) to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council for such alteration, division or union. Alteration, etc., of school sections
- (2) No such by-law shall be passed later than the 1st day of June in any year nor shall any such by-law subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as otherwise provided herein, before the 25th day of December next thereafter, and subject to the provisions hereinafter contained every such by-law shall remain in force unless set aside as hereinafter provided, for a period of five years. Time for passing by-law; commencement and duration
- (3) The township clerk shall transmit a copy of the by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. Clerk to send copies to board and inspector
- (4) Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town, the council of the municipality in which the section or the remaining portion of the section is situate may pass a by-law for the readjustment of the boundaries of the school section or remaining part of the school section notwithstanding the passing of a by-law or the publication of an award within five years affecting the limits of the section or part of the section or adjoining sections. When part of section is added to city or town
- (5) Any section formed by dividing an existing section shall be deemed to be a new section for all purposes. Status of section formed by division of section
- (6) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county, shall appoint arbitrators as provided by section 33. Readjustment of boundaries of school sections in counties
- (7) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township. Readjustment of boundaries of school sections in townships

Time limit
not to
prevail

(8) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. R.S.O. 1950, c. 316, s. 14.

TOWNSHIP SCHOOL AREAS

By-law
setting
apart town-
ship school
area.

15.—(1) The council of a township may by by-law, passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist as separate school sections and that the school boards having jurisdiction therein shall be dissolved. R.S.O. 1950, c. 316, s. 15, (1).

Inclusion of
union school
section in
township
area

(2) The council of a township may include a union school section or part thereof in a township school area if the council of each other municipality containing a portion of the union school section by resolution assents thereto on or before the 31st day of August in the year in which the by-law establishing the township school area is passed, and where the whole of the union school section is included all parts thereof shall be regarded as part of the township for public school purposes.

Idem

(2a) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent to the inclusion of the union school section or any part thereof on or before the 31st day of August, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly on or before the 30th day of September.

Idem

(2b) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent, on or before the 30th day of September.

Dissolution
of union
school
section

(2c) Where the whole or part of a union school section is included in a township school area, the union school section shall be dissolved on the 25th day of December in the year in which the by-law is passed and the provisions of section 17 with respect to the adjustment of rights and claims shall apply, and where only part of the union school section is included the remaining part or parts shall, subject to sub-section 3 of section 65, be established as a school section or union school section or shall be added to a township school

area or another school section or sections or a union school section or sections in accordance with this Act. 1953, c. 90, s. 3, ^f(1).

(3) Where a township school area includes a union school section the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township. R.S.O. 1950, c. 316, s. 15, (3). Certified copy of voters' list

(4) The council of a township may by by-law add all or part of a school section or union school section to a township school area already established, and the provisions of subsections 1 to 3 shall apply *mutatis mutandis*. R.S.O. 1950, c. 316, s. 15, (4). Enlargement of areas

(4a) Where a township school area has been established, the council of the township may by by-law passed before the 1st day of July in any year detach from the area all or part of any former school section or union school section, with the assent by resolution, passed before the 31st day of August, of the council of the municipality of which the detached area forms part, and the detached area shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act. 1953, c. 90, s. 3, (2); 1954, c. 79, s. 2. Decreasing areas

(5) The council of each of two or more contiguous townships may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township to form a township school area with the whole or any portion of the contiguous township or townships and the provisions of subsections 1 to 4 shall apply *mutatis mutandis*. Township school area, formation of

(6) The council of each of one or more contiguous townships and of a village or town which is contiguous to one or more of them may respectively by by-law passed with the consent of a majority of the whole number of members of each council before the 1st day of July in any year, set apart the whole or any portion of the township or townships and the whole of the adjacent village or town which together shall form a township school area and the provisions of subsections 1 to 4 shall apply *mutatis mutandis*. Idem

(7) The council of the township or the councils of the municipalities, Inclusion of unorganized territory

The last line of Section (4a) as printed should be amended to read
section or sections in accordance with this Act, and the provisions of section 17 with respect to the adjustment of rights and claims shall apply *mutatis mutandis*. 1953, c. 90, s. 3, (2); 1954, c. 79, s. 2.

- (a) establishing a township school area; or
- (b) by which a township school area has been established,

may include in the area or may add to the area, as the case may be, the whole or any part of an unorganized township if the board of every school section in the unorganized territory so included or added consents thereto, and the unorganized territory so included or added shall for all public school purposes be deemed to be a part of the municipality having the largest assessment within the area, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the unorganized territory so deemed part of the municipality as with respect to the part of the municipality actually within the township school area.

When by-law to take effect

(8) The by-law shall take effect from the 25th day of December in the year in which it is passed, but all school boards in such school sections shall remain in office until a board for the township school area has been elected and organized as hereinafter provided.

Board of public school trustees for township school area

(9) There shall be a board of public school trustees for every township school area, which shall consist of five members, and the board shall have and may exercise and perform the like powers and duties with respect to public schools in the township school area as in the case of a township board.

Term of office of trustees

(10) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Township school area, election of trustees.

(11) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and except as otherwise provided herein all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section.

Nominations and elections where two or more municipalities in area

(12) Where a township school area is formed under subsection 5 or 6,

- (a) the nominations for school trustees of the township school area shall be conducted by the returning officer

of the municipality which has the largest equalized assessment, or where there is no equalized assessment the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

- (b) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and
- (d) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

(13) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year. Term of office

(14) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years. Subsequent elections

(15) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. Equality of votes at first election

(16) The board of a township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of Powers of township school area board

vacancies on the board, and other matters of an incidental or similar nature. R.S.O. 1950, c. 316, s. 15, (5-16).

Debentures

(17) Where a township school area comprises one township or part thereof, upon the application of the board of the township school area, the council of the township shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 56 and the provisions of subsections 2, 3, 4 and 6 of section 56 shall apply *mutatis mutandis*.

Idem

(17a) Where a township school area comprises two or more municipalities or parts thereof, the application by the board of the township school area for the issue and sale of debentures shall be made to the council of each such municipality, and if both councils, or a majority of the councils where there are more than two, approve of the application the council of the municipality in which the school is or is to be situated shall issue the debentures unless the council of one of the other municipalities undertakes to issue the debentures; in which case that council shall issue the debentures, and the council which is to issue the debentures shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 56, and the provisions of subsections 2 to 6 of section 56 and subsections 4 and 5 of section 58 shall apply *mutatis mutandis*. 1953, c. 90, s. 3, (3).

Note. The amendments in Sections 17 and 17a above shall be deemed to have come into force on the 1st day of January, 1953 (1953, c. 90, s. 16, (2).)

Incorporation

(18) Every board of school trustees of a township school area shall be a corporation by the name of "The board of school trustees of the township school area of.....", or by such other designation as the by-law may provide.

Vesting of real and personal property in board of township school area

(19) Upon the election and organization of a board of public school trustees for a township school area the board of public school trustees for every school section then in existence in the township school area shall be dissolved and all the real and personal property vested in the board of any such school section shall be vested in and become the property of the board of the township school area.

Board responsible for obligations of each school in township school area

(20) The board of the township school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school

area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

(21) It shall not be necessary in township school areas to hold the annual meeting of the electors as required by section 71; but for the purposes of the audit of accounts, books and vouchers and the publication of the annual report of the auditors as provided in clause *t* of section 93, the board of a township school area shall be deemed to be an urban board. Audit of accounts and publication of annual report

(22) Where a township school area is formed under sub-section 5 or 6, the provisions of subsection 21 shall apply except that the auditor of the municipality which has the greatest equalized assessment shall be the auditor of the township school area books. Auditor

(23) No by-law shall be passed under subsection 1, 2, 4, 5, 6 or 7 until the by-law has been submitted to and approved in writing by the Minister. Approval of by-laws

(24) The provisions of subsection 1 of section 87 shall apply as to the first meeting in each year of every board elected pursuant to this section. First meeting of board

(25) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year. Mileage allowance and fees

(26) All the powers and duties of the board of a school section which becomes part of a township school area shall be vested in and imposed upon the board of the township school area. R.S.O. 1950, c. 316, s. 15, (18-26). Powers and duties

16.—(1) An inspector may, with the approval of the Minister, form an unorganized township, or part of an unorganized township, or parts of two or more adjoining unorganized townships into a township school area on or before the 1st day of July in any year, provided the boards of all the rural school sections in the area have consented thereto. Township school areas in unorganized territory

(2) The formation of the township school area shall take effect as from the 25th day of December next following the approval of the Minister, but the boards of trustees of the Effective date

rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section.

Constitution
of board

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 15.

First
election

(4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the inspector, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section.

Subsequent
elections;
powers and
duties

(5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the assessment and collection of taxes for the township school area.

Incorporation

(6) Every board of trustees of a township school area formed under this section shall be a corporation by the name of "The board of school trustees of the Township School Area of the unorganized township (*or* townships) of.....".

Application
of ss. 15,
44-49, 71-73.

(7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, the provisions of sections 15, 44 to 49 and 71 to 73 shall apply *mutatis mutandis*. R.S.O. 1950, c. 316, s. 16.

Adjustment
of claims

17.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister within three months after the passing of the by-law forming the township school board or the by-law or by-laws establishing the township school area, as the case may be.

Powers of
Minister
and referee

(2) The Minister and any referee appointed by him shall have and may exercise such jurisdiction and powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remuneration

(3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims

as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

(4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration.

(5) The Minister may adopt, vary or amend the report and his decision shall be final and conclusive and not open to question or appeal, and shall be binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

(6) The council of the township, in the case of a township school board, shall annually impose and levy such special rates against the lands assessable therefor as may be directed by the Minister for the purpose of adjusting the rights and claims of any school section or other area.

(7) The council of the township or the council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, which is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

(8) No by-law passed under section 14 or 15 shall come into force until the Minister has approved of it and has made an order under subsection 5.

(9) For the purpose of evaluating, adjusting and determining all rights and claims,

(a) between parts of a municipality or municipalities and parts of an unorganized township or townships formed into a township school area under subsection 7 of section 15; and

(b) between school sections within township school areas formed under section 16,

the provisions of subsections 1 to 8 shall apply *mutatis mutandis*. R.S.O. 1950, c. 316, s. 17.

Agreement
with urban
board

18. Subject to the approval of the Minister, the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of an adjacent urban municipality for the purposes and in the manner provided by section 92. R.S.O. 1950, c. 316, s. 18.

Exemption
from town-
ship rate

19.—(1) Where the board of public school trustees of a township school area has entered into an agreement under section 18, the council of the township may exempt the taxable property of the public school supporters in the township school area from the general rate required to be levied under section 115, but the exemption shall not be granted until the Minister has given his approval thereto in writing.

Where
exemption
granted,
township
school area
not to share
in rate

(2) Where an exemption is granted from the township rate under subsection 1, the township school area shall not share in the expenditure of any sum raised by any such general rate, nor shall it be necessary for the township council in fixing such rate to take into account schools in the township school area. R.S.O. 1950, c. 316, s. 19.

METROPOLITAN SCHOOL AREAS

County by-
law setting
aside metro-
politan
school area

20.—(1) The council of any county in which there is situate a city having a population of not less than 100,000 may, subject to the approval of the Lieutenant-Governor in Council, by by-law passed before the 1st day of July in any year set aside any defined area in the county adjacent to the city as a metropolitan school area and in and by the by-law shall name the person to be the secretary-treasurer of the metropolitan school area until some other person is appointed by the metropolitan public school board to be established as hereinafter provided.

Board

(2) Where a by-law has been passed under subsection 1, there shall be established a metropolitan school board for the metropolitan school area and the board shall consist of one member elected by the vote of the supporters of public schools in each municipality or portion of a municipality included in the metropolitan school area and of six members to be elected by general vote of the public school supporters throughout the metropolitan school area.

Election of
representa-
tives in
local muni-
cipalities

(3) The members of the board to be elected in each such municipality or portion of a municipality shall be elected in the same manner and at the time and place provided for the election of members of the municipal councils in the municipalities included in the metropolitan school area, and the first election shall take place at the municipal election held next

after the passing of the by-law, and the persons qualified to vote shall be those only who are qualified to vote for public school trustees in the municipality or portion of a municipality.

(4) The members so elected shall be elected annually. Annual election

(5) The members of the board shall possess the same qualifications as urban school trustees. Qualification

(6) The secretary-treasurer shall be the returning officer for the metropolitan school area. Returning officer

(7) Nominations for the election of the six members of the board to be elected by general vote shall be made by filing in the office of the returning officer on or before the hour of two o'clock in the afternoon of the last Monday in the month of November a nomination paper in writing signed by at least one hundred persons qualified to vote at the election being entered on the voters' list as public school supporters in the metropolitan school area, and the nomination paper shall contain the names, addresses and qualification in respect of which each person signing the paper has the right to vote and the signatures to such nomination paper shall be witnessed by some person of the age of twenty-one years and qualified as aforesaid. Nominations for election of members by general vote

(8) No person shall be qualified to be elected by general vote unless he is a resident in the metropolitan school area and qualified to vote as a public school supporter therein. Residence required

(9) If more than six persons are nominated then immediately after the expiry of the time for filing the nomination paper the returning officer shall notify the clerk of each local municipality the whole or any portion of which is included in the metropolitan school area, of the names, addresses and occupations of the persons so nominated, and the clerk of every such local municipality shall cause ballots to be printed in the same manner as nearly as may be as in the case of the election of school trustees in the municipality, setting out the names, addresses and occupations of each person so to be elected by general vote, and the polls shall be taken in the same manner and at the same time and place as in the case of the election of members of the board representing local municipalities. Poll

(10) At the close of the poll in each local municipality the clerk or other local returning officer shall transmit to the returning officer a statement showing the votes cast for each candidate, including the candidates for election as representatives of the local municipality and upon the receipt of the Returns from local municipalities

last of such returns the returning officer, at the hour of two o'clock in the afternoon on the third Monday in January next after the last of such elections shall at his office make up from the statements so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and the returning officer shall thereupon certify in writing over his hand and seal the names of the persons so elected and shall deliver or send by post a copy of such certificate to each of the candidates.

Term of
office of
members
elected by
general vote

(11) The six members elected by general vote at the first election shall hold office for two years and an election shall be held in every second year in the manner hereinbefore provided.

Vacancies

(12) Where any member of the board dies, retires from office or vacates his seat by reason of disqualification or by reason of non-attendance, or becomes incapable of acting, the board shall, at the next meeting after the occurrence of the vacancy, appoint a duly qualified person to fill the vacancy for the remainder of the term for which the person whose office has become vacant was elected.

First meet-
ing in year

(13) The first meeting of the board shall be held at the hour of two o'clock in the afternoon on the last Monday in January next after the passing of the by-law mentioned in subsection 1 and thereafter the first meeting of the board for each year shall be held annually at the same time and on the same day, and the board in each year shall be organized by the election of a chairman who shall thereafter preside, but until the election of a chairman the secretary-treasurer shall preside.

Dissolution
of existing
boards

(14) Until the time of the organization of the first board, the existing school trustees of the various public school boards of the municipalities included in the metropolitan school area shall continue to hold office, but upon the organization of the board for the metropolitan school area the public school boards theretofore established in the area shall be dissolved and all real and personal property, vested in the boards, together with all rights and privileges theretofore vested in them, shall be vested in the metropolitan school board.

Equaliza-
tion com-
mission

(15) Where a metropolitan school board is established under this section the board shall at its first meeting in each year appoint three persons, who need not be members of the board, and who shall constitute an equalization commission whose duty it shall be to equalize the assessment for public school purposes in the various municipalities included in the metropolitan school area, and the equalization commission shall make its report to the board within two months after its appointment.

(16) A copy of the report of the equalization commission shall be forwarded to every municipality included in or a portion of which is included in the metropolitan school area. Report of equalization commission

(17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine the appeal, and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge. Appeal

(18) The procedure upon such appeal shall be the same as nearly as may be as in the case of an appeal from the decision of the county council upon the equalization of assessment for county purposes. Procedure on appeal

(19) For the purposes of this Act, a metropolitan school area shall be deemed to be an urban municipality, and the metropolitan public school board may issue debentures in its corporate name in the same manner as nearly as may be as in the case of debentures issued by a municipal corporation for public school purposes and all the provisions of *The Municipal Act*, and of this Act, with respect to the issue of debentures for public school purposes shall apply, but it shall not be necessary to obtain the assent of the electors in the metropolitan school area to any by-law for the issue of debentures of the board in any case where the Ontario Municipal Board, upon the application of the metropolitan public school board, certifies in writing that the annual rate required to meet the payment of principal and interest on any issue of debentures will not exceed, together with any already issued and outstanding, thirty per cent of the total rate required to be levied for public school purposes in the metropolitan school area. Debentures

(20) The board of the metropolitan school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections or municipalities included in the metropolitan school area and any indebtedness of the board of any school section or municipality shall be provided for by the general rate levied upon all property liable for taxation for public school purposes in the metropolitan school area. Board to assume liabilities and obligations of existing boards

(21) The metropolitan school board shall annually, on or before the 1st day of March, make up its estimates of the cost of establishing, equipping and maintaining public schools in the metropolitan school area and the same shall be raised, levied and collected by general rate levied upon all property liable to taxation for public school purposes in the metropolitan school area. Annual estimates

Apportion-
ment of
amount
required

(22) The board shall apportion to each municipality, all or any part of which is included in the metropolitan school area, the amount to be raised in that municipality, and it shall be the duty of the council of that municipality to raise, levy and collect the amount accordingly.

No other
rates to be
levied or
shared in

(23) No rates for public school purposes other than those provided for by this Act shall be raised, levied or collected in the metropolitan school area, and the metropolitan school area shall not share in the expenditure of any sum raised by any such rate except the rates to be levied and collected for the metropolitan school board under the authority of this Act.

Rural
schools in
metropoli-
tan school
area

(24) Notwithstanding anything in the foregoing subsections, a public school in any part of a metropolitan school area which, if such part were not included in the metropolitan school area, would be a rural school, shall be deemed a rural school for the purposes of this Act, except as otherwise expressly provided in this section. R.S.O. 1950, c. 316, s. 20.

APPEALS FROM TOWNSHIP COUNCIL

Appeal to
county
council

21.—(1) A board or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which the section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.

Time for
appeals

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for the by-law to be passed, as the case may be. R.S.O. 1950, c. 316, s. 21, (1, 2).

Arbitration

(3) On receipt of the notice of appeal, the county council shall either,

(a) dismiss the appeal; or

(b) appoint a board of arbitrators consisting of not less than three and not more than five competent persons, one of whom shall be the county judge or some

person named by him, and one of whom shall be the inspector, and a majority of whom shall form a quorum, and the arbitrators shall hear the appeal and, subject to the provisions of subsection 3 of section 65, shall form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of. 1954, c. 79, s. 3.

(4) Due notice of the alteration or of the determination of ^{Notice} the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

(5) In a provisional judicial district the appeal shall be to ^{Appeals in territorial districts} a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector, and some person appointed by by-law or resolution of the township council,

- (a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.
- (b) The township council, at its first meeting after service of the notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of the appointment.
- (c) The judge, upon receipt of the notice of appeal, shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead and notify the inspector in writing of the appointment.
- (d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

(6) The alterations or determination of such matters except ^{When alterations or determination of appeal to take effect, duration} as otherwise provided herein, shall not take effect before the 25th day of December in the year in which the award is made, and shall thence continue in full force for the period of at least five years, and thereafter until changed under this Act.

(7) No person shall be nominated or appointed arbitrator ^{Who may act as arbitrators} who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. R.S.O. 1950, c. 316, s. 21, (4-7).

CONSOLIDATED SCHOOLS

Agree-
ments for
consolida-
tion

22.—(1) For the purpose of establishing and maintaining consolidated schools, agreements may be entered into for the consolidation of school sections, union school sections or incorporated villages, or union school sections composed of portions of townships and incorporated villages or portions of incorporated villages, or for the consolidation of any of these with any of the others.

Provisional
division of
school
section

(2) Where the council of a township deems it desirable, for the purposes of facilitating the establishment of a consolidated school, that a school section in the township should be divided, the council may, at any time, by by-law, divide the school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the section so divided shall be deemed a separate school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established as provided in this section.

(a) Upon the establishment of a consolidated school section, including part of the section so divided, the council of the township may, by by-law, annex the remaining portion of the section to any contiguous school section, or may constitute it an independent school section.

Approval
of rate-
payers

(3) The agreement shall be approved by the ratepayers in each section, and of any village or union school section or provisional school section party thereto in the manner following, that is to say,

(a) in the case of a school section or provisional school section or a union school section which does not include an incorporated village or any part of an incorporated village, by a resolution of the ratepayers at a special meeting duly called for that purpose;

(b) in the case of a village, by a vote of the ratepayers who are public school supporters in the village, upon a question to be submitted in the manner provided by *The Municipal Act*;

(c) in the case of a union school section comprising a part or the whole of an incorporated village and a portion of a township,

(i) by a resolution of the ratepayers of each school section or portion of a school section included in a union school section lying in the township,

to be passed at a meeting of the ratepayers of the section or portion of the section specially called for that purpose, in the manner provided by this Act with respect to public school meetings in rural school sections, and

- (ii) by a vote of the ratepayers in the village or part of a village included in the union school section, to be taken in the manner provided by clause *b*.

(4) The agreement shall provide for the apportionment and distribution of the assets and liabilities of the respective boards to be consolidated, and may provide for the levying of a special rate for a term of years in any part of the consolidated school section, in order to give effect to the apportionment and distribution, or the agreement may provide for the apportionment and distribution and for the fixing of any such special rate by a board of arbitrators, to be composed of the inspector, the judge of the county or district court of the county or district, and one person to be named by the council of the local municipality or by the councils of each of the local municipalities in which the consolidated school section or any part thereof is situated, and in case the number of arbitrators so chosen is an even number, an additional arbitrator may be appointed by the Minister.

(5) Where a consolidated school section includes territory lying in two or more townships,

- (a) the agreement for forming the consolidated school section shall determine what proportion of the cost of establishing and maintaining the school shall be borne by each township, or shall provide that the proportion shall be determined by the award of the arbitrators mentioned in subsection 4, and the same shall be annually raised, levied and collected upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the township; and

- (b) the proportions of the sums to be raised under section 115 for consolidated schools by the corporation of each of the townships interested shall be determined by agreement between the corporations of the townships, or in default of agreement, by the board of arbitrators provided for in subsection 4.

(6) Where a consolidated school section includes a village or a portion of a village, the agreement shall determine,

Apportionment and distribution of assets and liabilities

Where territory included lies in two or more townships

Where village or portion of village included

- (a) what portion of the cost of establishing and maintaining the school shall be borne by the village and by the township or townships, and that the same shall be annually raised, levied and collected by the village and by the township or each of the townships respectively, upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the municipality;
- (b) the proportion of the sums raised under section 115, which shall be borne by the corporation of the township or of each of the townships interested,

or the agreement shall provide that the matters referred to in clauses *a* and *b* shall be determined by the award of the arbitrators mentioned in subsection 4.

Election of
trustees
where village
included

- (7) Where a consolidated school section includes a village or a portion of a village, or a police village or a portion of a police village, the agreement may provide for the election of a member or members of the board of trustees of the consolidated school section by the ratepayers of the village or police village or that portion of the village or of the police village lying within the consolidated school section, and for the election of the remaining trustees by the ratepayers of that portion of the consolidated school section lying within the township or townships, and for the term of office of each of the trustees first elected and their retirement and the election of their successors as far as possible in conformity with the provisions of subsections 10 and 11.

Approval of
Minister

- (8) The agreement for consolidation shall not come into force or take effect until it has been submitted to and approved by the Minister.

Agreement
to be valid
after
approval

- (9) After the approval of the agreement by the Minister, it shall not be open to question upon the ground that the procedure prescribed by this section has not been followed or that there has been any irregularity or informality in such procedure, or upon any other ground whatsoever.

When to
take effect

- (10) Upon the approval of the agreement in writing by the Minister the agreement shall take effect forthwith, and thereupon the territory included in the agreement shall form a consolidated school section, and the first election of a board of trustees for the consolidated school section shall be held on a date to be fixed by the Minister.

(11) Subject to the terms of any agreement entered into under subsection 7, there shall be elected for the section a board of trustees to be composed of five members, one of whom shall be elected to hold office from the date of the first election until the date of the second annual municipal election held after the first election of trustees; two of whom shall be elected to hold office until the date of the third annual municipal election after the first election of trustees; and two of whom shall be elected to hold office until the date of the fourth annual municipal election after the first election of trustees; and thereafter at every annual municipal election a trustee or trustees shall be elected in place of the retiring member or members of the board and shall hold office for a term of three years and until his or their successor or successors are elected.

Election of
board

(12) The election of trustees shall be by ballot and shall be held as nearly as may be in the same manner as the election of members of a municipal council, and the secretary and secretary-treasurer of the board, or, in the case of the first election, a person appointed by the inspector, shall be the returning officer for the election, and all the provisions of this Act applicable to the election of school trustees by ballot shall apply as nearly as may be to the election of trustees under this section.

Procedure
at election.

(13) Upon the election of a board of trustees of a consolidated school section, each of the boards in the territory consolidated shall be deemed to be dissolved and all the real and personal property vested in each of the boards shall become vested in the board of trustees of the consolidated school section, which board shall be a corporation by the name of "The Board of Trustees of.....Consolidated School" (*inserting name of school*), and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act on the trustees of public schools.

Dissolution
of former
boards, and
corporate
name of
board

(14) Until a consolidated school is established, the board of trustees of the consolidated school section shall have the management and control of each of the schools in the territory consolidated, and shall have and may exercise and perform with respect to every such school the powers and duties theretofore vested in the board of public school trustees having the control and management of the school.

Management
of schools
pending
establish-
ment of
consolidated
school

(15) The board of trustees of a consolidated school, with the approval of the Minister, may sell and dispose of the schoolhouses and other school property in the territory con-

Disposing of
school pro-
perty in
sections
consolidated

consolidated, and the proceeds thereof shall be applied in accordance with the terms of the agreement or award referred to in subsection 4.

Transportation of pupils

(16) Subject to the regulations, the board of trustees of a consolidated school section may provide for the conveyance of pupils to and from school and for the cost thereof as part of the cost of maintenance of the school.

Name of school

(17) The board of trustees, with the approval of the Minister, may select a name for the school.

Approval of plans, etc.

(18) The plans of any consolidated school building and the selection of a site therefor shall in every case be subject to the approval of the Minister.

Deemed rural school for purposes of legislative grants

(19) For the purposes of the legislative grant for public and separate school purposes every consolidated school shall be deemed to be a rural school.

Regulations
Rev. Stat.,
c. 94

(20) Regulations may be made in the manner provided by *The Department of Education Act*, providing,

- (a) for the form of agreement for the establishment of a consolidated school and the manner in which and the persons by whom the agreement shall be executed or authenticated;
- (b) for the procedure at any school meeting called for the approval of the agreement or on taking a vote of the ratepayers;
- (c) for plans and specifications of consolidated school buildings and outbuildings connected therewith;
- (d) for the number of teachers to be employed and the rooms and other accommodation and school supplies to be furnished in each school;
- (e) for equipment and appliances to be provided in the school;
- (f) for the apportionment and payment of any sums appropriated by the Legislature for consolidated school purposes, and the application thereof to the purchase of a site and the erection of school buildings thereon and the expenses of providing means of transportation for pupils to and from school;

(g) for giving such directions as may appear to be necessary to carry out the provisions of this Act relating to the election of trustees and the holding of meetings, and for the guidance of returning officers, chairmen and other officers and persons charged with any duty respecting the election, and for modifying or altering any provision of this Act relating to such elections or meetings when the same appears to be inconvenient or impracticable, and for making due provision for circumstances which are not provided for or contemplated by this Act;

(h) for permitting the board of trustees of a consolidated school and the trustees of any adjacent school section to enter into an agreement for incorporating the school section in the consolidated school section, and for prescribing the method in which the rights and liabilities of the respective boards shall be determined and the agreement consummated;

(i) for determining all questions which may arise as to the rights, powers and duties of the board of trustees of a consolidated school section with respect to any matter as to which no express provision is made by this Act.

(21) The trustees of a consolidated school section at their first meeting and at the first meeting in each year thereafter for which an election has been held shall elect a chairman.

Chairman
of board

(22) The secretary of the board, or in the case of the first meeting of the board a person appointed by the inspector for that purpose, who shall be a ratepayer in the consolidated school section, shall preside at such election, and in case an equal number of votes is given for two or more candidates he shall give a casting vote.

Election of
chairman

(23) The councils of two or more townships, portions of which constitute a union school section, on the petition of five ratepayers resident in each of the municipalities concerned may, with the approval of the Minister, pass by-laws for dividing the union school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the union school section so divided shall be deemed a school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established.

Where
union school
section in
two or more
townships
included in
consolidated
school
section

(a) Upon the establishment of a consolidated school section including part of a union school section so

Where part
only of union
section is
included

divided, the remaining portion of the school section may constitute a school section or a union school section, as the case may be, or may be annexed to any contiguous school section or union school section.

Question of
dissolution
to be sub-
mitted to
electors

(24) If, within two years after the approval of the Minister in accordance with subsection 10, the ratepayers have not voted the money required by the trustees for the erection of the school, the question of dissolving the consolidation shall be submitted by the board to a vote of the ratepayers in the same manner, as nearly as may be, as that provided for the election of trustees, and if a majority of the ratepayers who vote on the question are in favour of dissolving the consolidation, the Minister may approve of the dissolution and the return of the sections to their former status. R.S.O. 1950, c. 316, s. 22.

Grants to
schools in
sections
having
extended
areas

23. Where the boundaries of a school section are extended so as to include territory in which children reside who are entitled to attend the school and whose place of residence is at a greater distance than three miles by the nearest highway from the school, the Minister may, subject to the regulations, make grants out of the appropriation for consolidated schools for the transportation of pupils and for the erection of school buildings, where, in the opinion of the Minister, such transportation and school buildings have become necessary by reason of the extension. R.S.O. 1950, c. 316, s. 23.

Council of
urban
municipality
to issue
consolidated
school
debentures

24. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area includes an urban municipality and a rural school section or rural school sections or parts thereof, application for the issue of debentures shall be made by the board of the consolidated school area to the council of the urban municipality, and subsections 5 and 6 of section 56 shall apply *mutatis mutandis*. R.S.O. 1950, c. 316, s. 24.

Issue of
debentures
by township
in which
school is
situate

25. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area consists of school sections or parts of school sections situate in two or more districts, any debentures which may be issued upon the requisition of the board of the consolidated school area shall be issued by the council of the township in which the school is situate, and the provisions of section 58 shall apply *mutatis mutandis*. R.S.O. 1950, c. 316, s. 25.

Where con-
solidated
school
section
includes
parts of
two or
more mun-
icipalities

26. Notwithstanding section 22, where a consolidated school section includes portions of two or more municipalities and has been in existence for a period of at least ten years, the money required to be raised for the purposes of the school shall be raised in the like manner and the assessment upon

which rates are levied for consolidated school purposes shall be equalized in the like manner as nearly as may be as in the case of a union school section similarly composed. 1953, c. 90, s. 4.

27. Where two or more schools have been established in a school section and the board of trustees of the section, by resolution approved of by the ratepayers at a meeting specially called for that purpose, signify their desire to establish a centrally located school in place of the schools theretofore maintained in the section, the Minister may authorize the establishment of a school in a location approved by him and in conformity with the regulations, and may direct that such school shall, for the purposes of sharing in any grant made under the authority of section 22, and for the purposes of sharing in any township grant made under section 115, be deemed to be a consolidated school. R.S.O. 1950, c. 316, s. 27.

Consolidation of schools in one section

28.—(1) Where the council of a township has passed or passes a by-law under subsection 1 or section 14 to unite two or more school sections, and the school established or to be established in the section requires the employment of two or more teachers and it is necessary to provide means of transportation for the pupils of the school, the Minister, subject to the regulations and upon the application of the board of trustees of the school section approved of by the ratepayers as provided in subsection 3 of section 22, may declare the school section to be a consolidated school section, and thereafter section 22 shall apply thereto as if the school section were a consolidated school section established by agreement under subsection 1 of the said section.

Union school section may become consolidated school section

(2) Where the councils of two or more townships have passed or pass a by-law under section 32 for the formation of a union school section, the same terms and conditions, *mutatis mutandis*, shall apply as in the case of subsection 1 above. R.S.O. 1950, c. 316, s. 28.

Terms

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS

29.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

Adjustment of claims between members of unions in same township

Where more
inspectors
than one

(2) Where there are more inspectors than one, the township council shall name the inspector who is to act. R.S.O. 1950, c. 316, s. 29.

SALE OF SCHOOL PROPERTY

Disposal of
school
property
when not
required

30.—(1) When a school site, schoolhouse or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Application
of proceeds
where rate-
payers
transferred
from one
section to
another

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled, for the public school purposes of the section, to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation, and the residue of such proceeds shall be applied to the erection of a new schoolhouse or to other public school purposes in the old school section.

Application
of proceeds
in union
sections

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section.

Disposal of
school site,
schoolhouse,
etc.

(4) In the case of an urban municipality or school section where the school site, schoolhouse or other school property is no longer required, in consequence of there being no public school supporters, such school site, schoolhouse or other school property shall be disposed of in such manner as the Minister may decide, and the proceeds shall be applied to public school purposes as determined by the Minister. R.S.O. 1950, c. 316, s. 30.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS

School
sections
and union
sections
confirmed

31.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether it has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject however to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the section and notice thereof has been given to the persons who, according to the practice of the court in which the proceedings are taken, ought to be served with notice thereof, and such proceedings result in its being determined that the section has not been legally formed.

- (a) Provided that where the boundaries of one or more school sections have been altered by the award of a board of arbitrators under the provisions of this Act and the award has not been acted upon for a period of two years, the Minister may cancel the award and may direct the appointment of new arbitrators or may himself appoint arbitrators for the reconsideration of the matter, and where the arbitrators are appointed by the Minister their award shall not be subject to any appeal. When award may be cancelled
- (b) Where an award is cancelled by the Minister as provided in clause *a*, the cancellation shall be deemed to have had effect from the time of the making of the award. When cancellation to take effect

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act is to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby, or some of them. No proceeding invalid unless where substantial injustice

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate, and the decision of the judge shall be final and conclusive unless special leave to appeal therefrom is given by the Supreme Court or a judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the Court or judge giving the leave shall prescribe. Jurisdiction of county or district judge

(4) Where the question touches an arbitration or award to which the judge has been a party, the application shall be Appeals where judge is arbitrator

heard and determined by the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. R.S.O. 1950, c. 316, s. 31.

UNION SCHOOL SECTIONS

What
unions may
be formed

32.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

How union
school sec-
tion to be
formed

(2) A union school section may be formed consisting of a part of a township or parts of two or more townships and an adjoining city or separated town where the suburban school section or sections concerned, by a majority vote at a meeting of the ratepayers in such section or in each of such sections regularly called, approves of such annexation, and such union is also approved by the urban board, and the union shall take effect on the 25th day of December next after the union has been confirmed by by-laws passed by the councils of the township and the city or separated town respectively, at the request of the boards of the suburban school section or sections and of the city or separated town.

Assessment
in such cases

(3) Where a union school section is established under subsection 2, the assessment for school purposes of all property liable to taxation in the rural portion of the union school section shall be fixed from year to year by a board of three arbitrators, one of whom shall be appointed by each of the townships interested, one by the council of the city or town and one by the Minister.

Assess-
ment roll

(4) For the purpose of subsection 3 the assessor of the township in which the rural portion of the union school section is situate shall deliver a copy of the assessor's roll or so much of it as may be necessary, to the board of arbitrators who shall within two weeks thereafter return the same to the assessor with the assessment required for school purposes.

Board to
determine
proportion
of annual
requisition

(5) The board of arbitrators shall, after they have completed the revision and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters in the rural portion of the union section.

(6) The council of the township in which the rural portion of the union school section lies shall levy in each year on all the property liable for assessment for school purposes in the rural portion of the union school section according to the assessment fixed as provided in subsection 3 a rate equal to the rate imposed by the corporation of the city or town for public school purposes. Township council to levy

(7) Except where the section is an urban municipality, the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section number.....in the.....". Corporate name

(8) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section. Procedure for formation, alteration or dissolution of union

(9) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators. Appointment of arbitrators

(10) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if the petition is signed by five ratepayers of the municipality acting thereon. Petition of council

(11) Where there would otherwise be an even number of arbitrators the judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added. Where even number of arbitrators appointed, county judge to act

(12) The arbitrators, or a majority of them, may make and publish the award. Majority award

(13) The first meeting of the arbitrators shall be called by the senior inspector, who shall give ten days' notice in writing of the meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils. First meeting of arbitrators

(14) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in the new union section or in the altered section as the case may be. Award, what to contain

Award to
set out land
transferred

(15) In the event of the transfer of any land from an existing union section to some other section, the arbitrators shall in their award set forth to what other section the transfer shall be made.

In case of
dissolution

(16) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing the union section shall be attached.

Reorganiz-
ing union
section

(17) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing pro-
portions of
liabilities

(18) Where a new union section is formed or an existing union section is altered, the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the schoolhouse and the maintenance of the school and other necessary expenses.

Adjustment
of claims

(19) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other, and the right of any ratepayer affected by the award.

School
arbitrations,
payment
of award

(a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.,
c. 243

Debentures
to be a
charge on
public
school rates

(b) The debentures and the money to be raised annually for the payment thereof shall be chargeable only upon the property of ratepayers who are the supporters of public schools.

- (c) The debentures may be for such amount and for such Term and form of debentures term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable in annual or other instalments in the manner provided by *The Municipal Act*.

(20) Where a new union section is formed, the inspector Calling first meeting to elect trustees authorized under subsection 13 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

(21) Such union, alteration or dissolution, except as herein Not to take effect until Dec. 25th, except for certain purposes otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

(22) Subject to subsections 6, 7 and 8 of section 14 and subsection 27 of this section, a union school section shall not Reconsideration of union school section award be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient, and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 8.

- (a) Where the arbitrators appointed by the councils of Failure to act on award changing school boundaries, cancellation of award the municipalities interested have failed to establish a union school section in accordance with the petition, or where the arbitrators appointed by the council of a county have set aside an award made by the arbitrators appointed by the councils of the local municipalities, the council of each of the local municipalities on the petition of at least five ratepayers resident in the municipality asking for reconsideration of the award after the expiration of two years from the date of the award may appoint arbitrators and take all other necessary proceedings as provided by this section for the establishment of the union school section.

New arbitration after three years

(23) Where an award, whether for or against the formation of a new union school section, has not been acted upon, the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

New arbitration when award set aside

(24) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 8 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom.

(25) In a provisional judicial district,

Union school sections in districts

(a) a union school section may be formed of any two or more of the following, namely—an organized township or any part thereof, or two or more organized townships or parts thereof, an unorganized township or any part thereof, or two or more unorganized townships or parts thereof, unsurveyed territory, and a town or village, and the union school section may be altered or dissolved, and in such case the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector;

School arbitrators in districts

(b) the arbitrators shall be one person appointed by each of the councils of the organized municipalities concerned, the inspector of the district and the judge of the county or district court or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in this section, all of which, so far as applicable, shall apply to the subject matter of this subsection.

Alterations of boundaries not to affect power to form unions

(26) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 14 or by subsection 1 of section 40 has not expired.

Alteration or dissolution when assessment materially altered

(27) Where within the period of five years mentioned in subsection 22 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the union school section notwithstanding the provisions of that subsection may be altered or dissolved. R.S.O. 1950, c. 316, s. 32.

Appeal relating to union school within a county

33.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the

board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of the section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 32.

(2) On receipt of such appeal, the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and the arbitrators shall have all the powers of arbitrators appointed under section 32 and the decision of a majority of them shall be final and conclusive.

Appoint-
ment of
arbitrators
by county
council

(3) The first meeting of the arbitrators shall be called by the county clerk. R.S.O. 1950, c. 316, s. 33.

First meet-
ing of
arbitrators

34.—(1) Where territory which it is proposed to form into a union school section or where the union school section which it is proposed to alter or dissolve comprises an organized or unorganized township or any part thereof, and an urban municipality, or lies in more than one county, or in a district, the board or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors may at any time appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of the section or against the refusal or neglect of the council or councils concerned to appoint arbitrators as provided in section 32.

Appeals to
Minister
from school
arbitrators
in case of
union school
section

(2) The Minister may in his discretion alter, determine or confirm the award, or where no award has been made he may appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 32, and a decision of a majority of them shall be final and conclusive.

Powers of
Minister

(3) The first meeting of the arbitrators shall be called by the Minister. R.S.O. 1950, c. 316, s. 34.

First meet-
ing of
arbitrators

35. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part, and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. R.S.O. 1950, c. 316, s. 35.

Collection
of rates in
union school
sections

Union
sections as
a conse-
quence of a
division of
township

36. Where a township is divided for municipal purposes, all school sections which, in consequence of the division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. R.S.O. 1950, c. 316, s. 36.

Election of
trustees,
and inspec-
tion of
union school
sections

37. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the schoolhouse is situate, or if there are two or more schoolhouses, then in that municipality within which a schoolhouse is situate which has the largest amount of property assessed for public school purposes. R.S.O. 1950, c. 316, s. 37.

Where
township
ratepayers
to vote
when urban
municipality
divided into
wards

38.—(1) Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent, any such elector may vote in either of such wards.

List of
voters

(2) The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters' list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. R.S.O. 1950, c. 316, s. 38.

Where part
of a town-
ship is
annexed to
urban muni-
cipality

39.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality, such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Effect of
award

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

(3) The provisions of section 58 shall not apply to the money required to be paid under the award or agreement, and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality. Issue of debentures

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of the incorporation or annexation shall continue in office until their successors are elected and shall be the board of public school trustees for the part of the section not so included in the urban municipality, and the trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality. Status of the part of a school section which is not annexed

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. Disposition of assets and liabilities upon union of municipalities
R.S.O. 1950, c. 316, s. 39.

MAINTENANCE OF UNION SCHOOLS

40.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which the section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year. Assessors to determine proportion

(2) Where a police village is a part of a union school section the assessors may equalize the assessment of the police village Police village

in the same manner as they would equalize the assessment of a separate municipality.

Assessment altered by exemptions

(3) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes, the assessors shall, at their next meeting, revise the equalization.

Meeting of assessors

(4) The meeting of the assessors shall be called by the assessor of the municipality in which the schoolhouse is situate.

By whom

(5) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of determination

(6) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

Arbitration where assessors disagree

(7) Where the assessors disagree, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the 1st day of July.

When school section lies in two counties

(8) Where the union school section is composed of parts of two adjoining counties, then on the disagreement of the assessors, the inspector of the township in which the schoolhouse of the section is situate shall act with the assessors.

Duration of decision of assessors

(9) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

Reconsideration of award

(10) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed.

Costs

(11) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. R.S.O. 1950, c. 316, s. 40.

MAINTENANCE OF SCHOOLS IN TOWNSHIP SCHOOL AREAS

Assessors to determine proportion

41.—(1) Where a township school area consists of more than one municipality or parts thereof, the provisions of

section 40 shall apply *mutatis mutandis*, except that the meeting of the assessors shall be called by the assessor of the municipality having the largest population within the township school area according to the last revised assessment rolls.

(2) Where the assessors disagree, the inspector of the township school area and the assessors shall be arbitrators to determine the matter. R.S.O. 1950, c. 316, s. 41. Arbitration where assessors disagree

CONFIRMATION OF BY-LAWS AND AWARDS

42.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash the by-law or to set aside the award is given to the township clerk within one month after the publication of the by-law or award, and the same is subsequently quashed or set aside. Certain by-laws and awards to be valid unless notice to quash given

(2) The by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. What deemed publication of by-law

(3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed, provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators either before or after the time for making the award has expired. R.S.O. 1950, c. 316, s. 42. Time for making awards

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE

43.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible during certain months of the year to any of the pupils entitled to attend the school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils. Establishment of second school

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend the second school. Determining months in which second school to be open

Grant

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Attendance
at school
when second
school
closed

(4) The provisions of subsection 1 of section 6 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending the second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of the school section from the duty of providing school accommodation for such pupils during such periods. R.S.O. 1950, c. 316, s. 43.

SECTIONS IN UNORGANIZED TOWNSHIPS

Formation
of school
sections

44.—(1) Subject to the approval of the Minister the inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section. R.S.O. 1950, c. 316, s. 44, (1).

Limits of
section,
alterations

(2) The school section shall not exceed thirty-six square miles in area and subject to this restriction the boundaries may, with the approval of the Minister, be altered by the Inspector from time to time. 1953, c. 90, s. 5, (1).

Inspector
may trans-
fer land to
contiguous
school
section

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of the sections so as to transfer such land from one section to the other, but the transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. R.S.O. 1950, c. 316, s. 44, (3).

Effective
date of
alterations

(3a) Any alteration of the boundaries of a school section under this section shall take effect on the 25th day of December. 1953, c. 90, s. 5, (2).

Election of
school
trustees

(4) After the formation of a section any two ratepayers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section. R.S.O. 1950, c. 316, s. 44, (4).

Trustees'
powers and
obligations

(5) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees,

and may at any time after their election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school. 1953, c. 90, s. 5, (3).

(6) The board shall be a corporation and, where the section is wholly within one unorganized township, shall be known as "The Public School Board of Section No. of the Township of in the Territorial District of (*inserting the number of the section and the names of the township and the district*)", and where the section includes all or parts of more than one unorganized township it shall be known as "The Board of Public School Trustees of Union School Section No. in the Townships of in the Territorial District or Districts of (*inserting the number of the school section and the names of the townships and district or districts*)". 1954, c. 79, s. 4.

Board to be corporation

45.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Sections to be divided into groups

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of the court shall be paid reasonable travelling expenses by their respective boards for their attendance.

Court of revision

(3) Where, from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the request of any board, may assume or may, by writing, appoint some other person to assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector or other person appointed by him in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1950, c. 316, s. 45.

When inspector to act as court of revision

46.—(1) The board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the roll to the proper court for revision.

Annual assessment roll

Appointment of
assessor for
new section

(2) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible.

Notice of
assessment

(3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the notice by registered post to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed.

Assessor to
make oath
Rev. Stat.,
c. 24

(4) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Return
of roll

(5) The assessor shall return the assessment roll to the secretary not later than the 30th day of September of the year in which the assessment is made.

Appeal
against
assessment

(6) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up
notice

(7) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers.

Manner of
appeal

(8) Subject to subsections 9 and 10 all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

Notice
of appeal

(9) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 3.

Court
clerk

(10) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School
census

(11) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-

one years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector.

(12) An appeal to the district judge shall lie at the instance Appeals of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 72 to 83, except section 68, of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal. Rev. Stat., c. 24.

(13) The district judge shall be entitled to receive from the Expenses of judge board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section, except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists.

(14) Subject to subsection 12, the roll, as finally passed and Confirmed roll binding signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1950, c. 316, s. 46.

47.—(1) Any part of an unorganized township which Assessment of portion of un- forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to the organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of the union section as with respect to any part thereof which lies within the organized municipality. township, forming with organized municipality, a union school section

(2) Where a union section is composed of a town in a provisional judicial district and of a portion of any other organized municipality and any part of an unorganized township, the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of the union section as with respect to the town. Where joined with a town in a judicial district

Taxes to include expense of assessment and collection

(3) Any assessments to be made and taxes to be collected under this section with respect to part of an unorganized township shall include as part thereof the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes, having regard to the ratio which the assessment in that part of the unorganized township bears to the total assessment of the union section. R.S.O. 1950, c. 316, s. 47.

Issuing debentures for school sites and houses

48.—(1) In unorganized townships, the board of a section may issue debentures for the purchase of a school site and the erection of a schoolhouse, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Rev. Stat., c. 243

Signing and sealing debentures

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. R.S.O. 1950, c. 316, s. 48.

Appointment and duties of school collector

49.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to the collector at the rate of not less than five and not more than ten per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

Powers and liabilities of school collector

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*.

Rev. Stat., c. 24

Return of arrears of taxes in unorganized territory

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

Entry in sheriff's book

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payments of arrears thereafter

(6) After the expiration of such period, all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1950, c. 316, s. 49. Sale of land for arrears

SCHOOLS IN UNSURVEYED DISTRICTS

50.—(1) In any part of Ontario not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct. Schools in unsurveyed districts

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act. R.S.O. 1950, c. 316, s. 50 (1, 2). Election of trustees

(2a) The inspector shall select a name for the public school, and the board shall be a corporation and shall be known as "The Public School Board of (inserting the name)". 1954, c. 79, s. 5. Board to be corporation

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the board, out of the appropriation made by Notice to the Minister of Education

the Legislature for public schools, such sum of money for the maintenance of the school as may be approved by the Lieutenant-Governor in Council. R.S.O. 1950, c. 316, s. 50.

Collection
of rates in
unorganized
areas by
action

51. In addition to any other remedy possessed by public school trustees in unorganized townships or in unsurveyed territory, for the recovery of rates imposed under the authority of this Act, the trustees, with the approval of the inspector in writing signed by him, may bring an action in any court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1950, c. 316, s. 51.

EXEMPTIONS

Exemption
by-laws not
to include
school taxes

52. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind. R.S.O. 1950, c. 316, s. 52.

RETURN OF ANNUAL CENSUS

Clerk to
make
returns of
population

53.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of the city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the 1st day of April in each year.

Clerk to
furnish
inspector
with school
statistics

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. R.S.O. 1950, c. 316, s. 53.

Clerk to
give copy of
assessment
to inspector

54.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish the board with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the cost of preparing this statement shall be paid by the board applying for the same.

Statement
to be fur-
nished to
urban muni-
cipality by
clerk of
township

(2) The clerk of every township in which a section is situate which is wholly or in part united to an urban municipality shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with the section. R.S.O. 1950, c. 316, s. 54.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS

55. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. R.S.O. 1950, c. 316, s. 55.

Apportion-
ment of
school
money by
township
councils

BORROWING POWERS

In Urban Municipalities

56.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes,

Debentures
for school
purposes

- (a) the purchase or enlargement of a school site or building;
- (b) the purchase or enlargement of sites and the erection thereon of buildings or additions or alterations there-to for the administrative or office purposes of the board;
- (c) obtaining and conveying, from beyond the school premises if necessary, a supply of water;
- (d) the erection of a schoolhouse, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;
- (e) repairs or improvements of the school property;
- (f) the purchase of furniture, furnishings, school apparatus, a school library and other equipment;
- (g) the purchase of a bus or buses or other vehicles for the transportation of pupils; R.S.O. 1950, c. 316, s. 56, (1) (a-g).
- (h) for making initial payments or contributions to a pension scheme established under section 129, 1951, c. 73, s. 1.

and it shall not be necessary that the by-law shall be submitted to the electors for their assent. R.S.O. 1950, c. 316, s. 1. (part).

Chargeable only on property of public school supporters

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of the debentures. 1953, c. 90, s. 6, (1).

Submission of question to vote of electors

Rev. Stat., c. 243

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools under the jurisdiction of the board which requested the vote, in the manner therein provided, and on the assent of the electors being obtained the council shall pass the by-law and issue the debentures, and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 1953, c. 90, s. 6, (2).

Form and term of debentures

Rev. Stat., c. 243

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council see fit, or the council may make the principal and interest payable by annual or other instalments in the manner provided in *The Municipal Act*.

Where application is made by urban board and part of township attached

Rev. Stat., c. 243

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section, and where a by-law is submitted to the electors as provided in subsection 3, the vote shall be taken in the same manner as nearly as may be as at an election in a union school section consisting of an urban municipality and a portion of a township, but only those electors shall vote who are public school supporters qualified to vote on money by-laws under *The Municipal Act*.

Where insufficient money borrowed

(6) Where the amount provided by a by-law passed under this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money required for such purposes, and all the provisions of this section shall apply to the application for the issue of debentures for the amount required, and to the passing of a by-law for that purpose. R.S.O. 1950, c. 316, s. 56, (4-6).

In Township Under Board of Education

Power to issue debentures where board of education has jurisdiction

57. The council of a township over which a board of education has jurisdiction, upon the application of the board of education, shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by sub-

section 1 of section 56, and the provisions of subsections 2, 3, 4 and 6 of section 56 shall, *mutatis mutandis*, apply. R.S.O. 1950, c. 316, s. 57.

In Rural Sections

58.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in section 56 the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose. R.S.O. 1950, c. 316, s. 58, (1). Township school debentures

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the schoolhouse or school site of the section is situate, and all debentures for the payment of the loan shall be issued by the corporation of that municipality unless the council of any other municipality which or part of which forms part of the union school section undertakes to issue the debentures in which case that council shall issue the debentures. 1953, c. 90, s. 7, (1). To what council applications for loans to be made

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1 unless the councils of each municipality, or of a majority of the municipalities where there are more than two, which or part of which are included in the union school section, have approved of the application. 1953, c. 90, s. 7, (2). Sanction by ratepayers

(Note. The amendments in subsections 2 and 3 above shall be deemed to have come into force on the 1st day of January, 1953. 1953, c. 90, s. 16, (2).)

(4) Where the by-law authorizes the issue of debentures for the erection of buildings such proportion of the proceeds of the debentures as may be necessary may be applied for the purchase or enlargement of a school site upon which the buildings are to be erected. Application of proceeds of debentures

(5) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 40. Municipality forming part of union section to pay in proportion

How
payable

(6) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

Expenses of
publishing
by-laws

(7) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf the debentures were issued, and the amount of the expenses may be deducted from any school rates collected by the municipal council for the section.

Liability for
loan where
boundaries
altered

(8) Notwithstanding any alterations which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when the loan was effected shall continue to be liable for the rate which may be levied for the repayment of the loan.

Lands
included in
section by
reason of
alteration in
boundaries
to be sub-
ject to
taxation

(9) When upon alteration of boundaries of a school section lands are included therein which are taxable property of public school supporters, such lands shall be subject to taxation for school purposes, including debenture rates, of the school section to which they are attached in the same manner and to the same extent as all other taxable property of public school supporters in the school section; provided that if the lands so attached continue liable for debenture rates for the purposes of the school section from which they are detached, they shall during the continuance of such liability be subject only to taxation for school debenture rates in the school section to which they are attached, to the amount by which such last-mentioned debenture rates exceeds the amount of the debenture rates for which they have continued liable. R.S.O. 1950, c. 316, s. 58, (4-9).

School
property
may be paid
for by one
special rate

59.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

Council not
to levy more
than one
rate except
in certain
cases

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. R.S.O. 1950, c. 316, s. 59.

School cor-
porations
may borrow
surplus
moneys

60. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in

the resolution for any or more of the following purposes: the purchase or enlargement of a school site, the erection of a schoolhouse, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1950, c. 316, s. 60.

RATES

61.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board for school purposes, and shall pay them to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector.

Councils to
levy sums
required by
trustees

Rev. Stat.,
cc. 243, 24

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the rate-payers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of the union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates in
union
sections

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum which has been collected in excess of the sums disbursed, on account of the public school or schools within the municipality or section, and shall pay over the same to the school board of the municipality or of the section. R.S.O. 1950, c. 316, s. 61.

And to
account
for same

62.—(1) In addition to any sums which the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the grants by general rate upon all taxable property of public school supporters in the municipality.

Additional
grants for
school
purposes

(2) The purposes for which the rate mentioned in subsection 1 may be raised shall include, but shall not be limited to, the establishment and maintenance of school corporations, aiding new or weak schools or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. R.S.O. 1950, c. 316, s. 62.

Purposes
for which
aid may be
granted

Correction
of errors in
collection
of rates in
previous
years

63. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1950, c. 316, s. 63

Levying
school rate
where there
is no public
school in a
municipality

64.—(1) Where in any municipality situate in a county there are persons entered on the assessment roll as public school supporters and there is no public school to which public school rates levied by the council of the municipality can be applied, there shall be assessed, levied and collected annually on the property of all persons assessed as public school supporters in the municipality, a rate equal to the average public school rate levied in the county for boards of public school trustees of villages, and of towns not separated from the county and of school sections, and the moneys so raised shall be set apart or invested by the council of the municipality in the manner provided by section 329 of *The Municipal Act*.

Rev. Stat.,
c. 243

Rates in
urban muni-
cipalities

(2) In urban municipalities situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest urban municipality.

Rates in
rural school
sections

(3) In rural school sections in townships situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school. R.S.O. 1950, c. 316, s. 64.

RURAL SCHOOL SECTIONS

School
sections in
townships

65.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

Assessors
to value
land situate
in each
section

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate.

(3) No section shall be formed which contains less than ^{Area of new school sections} fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless the proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

(4) Every township clerk shall prepare in triplicate a school ^{Township clerk to prepare maps of school sections} map of the township showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. R.S.O. 1950, c. 316, s. 65.

66.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school ^{Public school on Crown lands} on lands held by the Crown in right of Canada or Ontario, or on any lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

(2) The boards so appointed shall be a body corporate by ^{Powers of board} the name indicated in the order establishing the rural school section, and shall have all the authority of a board of public school trustees for the purposes of this Act. R.S.O. 1950, c. 316, s. 66.

RURAL SCHOOL TRUSTEES

67.—(1) The trustees of every rural school section shall ^{Trustees to be corporations} be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of" (*inserting the number of the section and the names of the township and county*).

(2) For every rural school section there shall be three ^{Trustees, term of office} trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected.

Trustees,
qualification

(3) The persons qualified to be elected trustees shall be any person who is a British subject, of the full age of twenty-one years, not disqualified under this Act and who is,

- (a) a resident ratepayer whose taxes for school purposes are neither overdue nor unpaid; or
- (b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the assessed owner, provided that all taxes for school purposes payable with respect to the farm are neither overdue nor unpaid,

and no person not so qualified shall be elected or competent to act as trustee.

Inter-
pretation

(4) For the purposes of subsection 3, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. R.S.O. 1950, c. 316, s. 67.

Elections
in new
sections

68.—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting
vote

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first
year to be
deemed to
commence
and end

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of rate-payers thereafter. R.S.O. 1950, c. 316, s. 68.

Corporation
not to cease
by want of
trustees

69. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees, any two electors of the section, or the inspector, by giving six days' notice, to be posed up in at least three of the most public places of the section, may call a meeting of the electors, who shall elect three trustees in the manner prescribed by this Act. R.S.O. 1950, c. 326, s. 69.

Council may
appoint
trustees
when no
election

70.—(1) Where the electors of a section for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the electors, and may fill the vacancies on the board so long as the electors neglect to do so.

(2) Instead of appointing trustees the council may, by by-law, declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the judge of the county or district court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council. R.S.O. 1950, c. 316, s. 70.

Dissolution
of school
section on
non-election
of
trustees

MEETINGS OF SCHOOL ELECTORS

71.—(1) A meeting of the electors of every section for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or if that day is a holiday, on the next day following, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs, at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the schoolhouse of the section.

Annual
meeting,
when held

(2) Where the annual meeting of electors of a rural section cannot conveniently be held as provided for in subsection 1, the electors at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Annual
meeting in
rural
section

(3) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired, or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Proceed-
ings on
formation
of new
school
section

(4) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Time and
conduct of
meeting

(5) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

Procedure
after election
of
trustees in
new section

Meeting to
be called in
default of
first or
annual
meeting

(6) When any school meeting has not been held on the proper date the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice, to be posted up in at least three of the most public places in the school section, and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Organiza-
tion of
meeting

(7) The electors present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Chairman,
duties of

(8) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

Order of
business

(9) The business of every school meeting may be conducted in the following order,

- (a) receiving and disposing of the annual report of the trustees;
- (b) receiving and disposing of the annual report of the auditor;
- (c) electing an auditor for the ensuing year;
- (d) miscellaneous business;
- (e) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;
- (f) the election of trustees.

Special
meeting,
when to be
held

(10) Where a special meeting of the electors of a school section is called, the meeting shall be held at the hour of ten o'clock in the forenoon, or, if the board by resolution so directs, at the hour of one o'clock in the afternoon or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or, in the absence of such resolution, at the school-house of the section. R.S.O. 1950, c. 316, s. 71.

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION

Qualifica-
tion of
voters

72.—(1) Every person who is a ratepayer in a rural school section, and every other person who is qualified to vote at municipal elections and who resides in the rural section and is not a supporter of separate schools, shall be entitled to

vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account.

(2) On a question involving the expenditure of money on capital account only such persons as are qualified to vote on money by-laws under *The Municipal Act* and are public school supporters shall be entitled to vote in the school section. Capital expenditure
Rev. Stat.,
c. 243

(3) A person who is not a British subject, or who is a citizen or subject of any foreign country shall not be entitled to vote at an election of school trustees in a rural school section or upon any school question. Persons
not British
subjects
excluded R.S.O. 1950, c. 316, s. 72.

73.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman. Granting
poll

(2) Where a poll is granted the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entry in
poll book

(3) Ballot papers shall be pieces of plain white paper of uniform size. Form of
ballot
paper

(4) A voter shall mark his ballot,

Marking
of ballot
paper

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for the purpose. Manner of
voting

Appoint-
ment of
scrutineer

(6) Every candidate may appoint a person to act as his scrutineer during the election.

When voter
is objected
to

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll or on Part I or Part II of the voters' list, shall require the person, where he votes as a ratepayer, to make the following declaration:

- (1) I, *A.B.*, declare and affirm that I am an assessed ratepayer, in school section No.....;
- (2) That I am of the full age of twenty-one years;
- (3) That I am a natural born (*or* naturalized) subject of Her Majesty; and am not a citizen or subject of any foreign country;
- (4) That I am a supporter of the public school in said school section No.....;
- (5) That I have a right to vote at this election,

or shall require the person, where he votes as an elector, who is not a ratepayer, to make the following declaration:

- (1) I, *A.B.*, declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;
- (2) That I am of the full age of twenty-one years;
- (3) That I am a natural born (*or* naturalized) subject of Her Majesty; and am not a citizen or subject of any foreign country;
- (4) That I am not a supporter of any separate school;
- (5) That I have been a resident of this school section for the six months last past;
- (6) That I have a right to vote at this election,

and after making such declaration the person making it shall be entitled to vote.

When poll
shall close

(8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

Polling at
evening
meeting

(9) When the meeting is held in the evening the electors may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

Counting
votes;
casting vote

(10) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or

affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

(11) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. Declaration of result

(12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. Copy of minutes and of poll book for inspector

(13) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered or mailed to each candidate. Statement of result of poll

(14) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election. Acceptance of office of trustee

(15) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. Complaints as to elections

(16) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. R.S.O. 1950, c. 316, s. 73. Clerk to supply list of school voters

URBAN SCHOOL BOARDS

Board to be
a corpora-
tion

74.—(1) Every board in urban municipalities shall be a corporation by the name of “The.....Public School Board”, prefixing to the words “Public School Board” the name of the municipality for which the board is elected.

Who may
be elected
trustees

(2) Any ratepayer in an urban municipality who is a British subject, and who resides in the municipality, or in the case of a city or town, within one mile from the boundaries of the municipality, and who is of the full age of twenty-one years and not disqualified, may be elected a public school trustee and every trustee, except as otherwise provided herein, shall continue in office until his successor has been elected and a new board organized, but no person who is not a British subject shall be elected or competent to act as trustee.

Qualifica-
tions of
husband or
wife of
ratepayer

(3) The husband or wife of a person assessed as actual owner or tenant of land in the municipality for an amount sufficient to entitle him or her to vote at municipal elections shall be deemed a ratepayer within the meaning of subsection 2, but shall not be eligible for election or to sit or vote as a member of the board while his or her wife or husband is a member of the board. R.S.O. 1950, c. 316, s. 74, (1-3).

Taxes

(4) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies, is overdue or unpaid at the time of the opening of the nomination meeting; provided that the provisions of this subsection shall not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1953, c. 90, s. 8.

First election
of trustees

75.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, or a portion of a township or portions of two or more townships is or are incorporated as a town, the board having jurisdiction over the school property situate within the village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

First meeting
in newly
incorporated
village

(2) Where an unincorporated village becomes incorporated, the board shall call a meeting of the electors within one month after the date of the incorporation for the election of a new board.

(3) In calling the meeting, the provisions of section 80 shall be complied with so far as they are applicable. R.S.O. 1950, c. 316, s. 75. Procedure for calling meeting

(NOTE.—*As to elections in a union school section, including an urban municipality and a portion of a township, see section 38.*)

76.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized. Trustees in city, etc., divided into wards

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. R.S.O. 1950, c. 316, s. 76. Retirement by rotation

77.—(1) The municipal council of a city in which there is a board of public school trustees, may submit to the electors assessed as public school supporters in the municipality in the manner provided by *The Municipal Act*, a question in the following form: Election of public school trustees by general vote
Rev. Stat., c. 243

Are you in favour of the election of members
of the public school board by general vote YES
of the electors of the city instead of by No
wards?

and if the majority of the votes on the question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected and the three of them who receive the highest number of votes shall hold office for three years, the three of them who receive the next highest number of votes shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office. R.S.O. 1950, c. 316, s. 77 (1); 1953, c. 90, s. 9, (1).

(2) Upon the organization of the board first elected after an affirmative vote, the term of office of all trustees elected prior to the last election shall, notwithstanding anything to the contrary in this Act, expire. Expiry of term of former trustees

Annual
election

(3) After such first election, three trustees shall be elected annually by vote of the electors of the whole municipality, and each such trustee shall hold office until his successor has been elected. R.S.O. 1950, c. 316, s. 77, (2, 3).

(4) *Repealed by 1953, c. 90, s. 9, (2).*

Tenure of
office

(5) If at the first election of trustees by general vote at the nomination meeting no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be duly elected, the three of them who have the highest rateable assessments shall hold office for three years, the three of them who have the next highest rateable assessments shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office, and the amount of the rateable assessment of each of them shall be ascertained from the last revised assessment roll of the municipality.

Procedure
on tie vote

(6) If at the first election of trustees by general vote under this section the third and fourth or the sixth and seventh of them in order of highest number of votes received an equal number of votes, that one of the third and fourth, or the sixth and seventh, respectively, who has the highest rateable assessment according to the last revised assessment roll of the municipality shall hold office for three years or two years, as the case may be, and until his successor is elected and takes office.

Election of
public school
trustees by
wards

(7) After such question has been submitted and carried in the affirmative, the system of election provided for in subsections 1 and 3 shall remain in force for three years succeeding the year in which the vote was taken, but the council may thereafter submit to the electors assessed as public school supporters the following question:

Are you in favour of electing public school	YES
trustees by wards instead of by general vote?	NO

and if a majority of the persons voting on the question vote in the affirmative, then in the year next following that in which the vote is taken and for three years thereafter trustees shall be elected by wards in the manner provided by section 76. R.S.O. 1950, c. 316, s. 77, (5-7).

Trustees in
villages
not divided
into wards

78.—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized.

(2) After the first election, three of the board to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year, and the other three for two years, and after the first election three trustees shall be elected annually. R.S.O. 1950, c. 316, s. 78.

Retirement
by rotation

ELECTION OF TRUSTEES IN URBAN MUNIICIPALITIES

79. Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. R.S.O. 1950, c. 316, s. 79.

Who may
vote at
urban school
elections

80.—(1) The board of an urban municipality or a town-ship board shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification for office shall *mutatis mutandis* apply to the election.

Election by
ballot

Rev. Stat.,
c. 243

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for aldermen or councillors, and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.

Ballots

(3) In no case shall a ballot be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. 1953, c. 90, s. 10.

Idem

81. *Repealed by 1953, c. 90, s. 10.*

82.—(1) In towns divided into wards, the board, by resolution, may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Election of
trustees
where wards
abolished

By vote of
electors of
whole muni-
cipality

(2) When such resolution has been adopted, the election shall thereafter be by vote of the electors of the whole municipality.

Retirement
of trustees
by rotation

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation. R.S.O. 1950, c. 316, s. 82, (1-3).

Election by
wards in
certain
cities and
towns

(4) In a city unless the trustees are elected by general vote pursuant to section 77, and in a town divided into wards until a resolution has been passed under subsection 1 of this section, the trustees shall be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards. 1953, c. 90, s. 11.

Vote by
ballot

(5) Where the trustees are elected by ballot, the election shall be conducted as nearly as may be in the manner provided in section 81, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for the city or town. R.S.O. 1950, c. 316, s. 82, (5).

(NOTE.—*As to elections in a union school section, including an urban municipality and a portion of a township, see section 38.*)

VACANCIES ON BOARD

Vacancy in
office of
trustee

83.—(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. R.S.O. 1950, c. 316, s. 83, (1).

Vacancies
in urban and
township
area boards

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

(2a) Subject to subsection 3, where a vacancy occurs from ^{Idem} any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected; and where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

(3) In the case of an urban school board or a township ^{Idem} school area board,

- (a) any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2 or 2a, but the office shall remain vacant until the annual election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at the annual election to fill the vacancy for the remainder of the term;
- (b) any vacancy which occurs after the annual election but before the new board is organized shall be filled immediately after the new board is organized, in the manner provided in subsection 2 or 2a, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies and the terms differ, the candidates having the highest rateable assessments within the school section shall hold office for the longer term. 1953, c. 90, s. 12.

(4) Where the inspector reports that no persons duly ^{Appoint-} qualified are available, the Minister may appoint as members ^{ment of} of the board such persons as he may deem proper, and the ^{trustees on} persons so appointed shall have all the authority of a board ^{failure of} as though they were eligible and duly elected according to the ^{qualified} provisions of this Act. R.S.O. 1950, c. 316, s. 83, (4). ^{persons}

CONTROVERTED ELECTIONS

Investigation of complaints by judge

84.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he may deem expedient to appear before him and give evidence.

Powers of judge

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1950, c. 316, s. 84.

Bribery and undue influence

Rev. Stat., c. 243

85. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established, the provisions of *The Municipal Act* as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1950, c. 316, s. 85.

RESIGNATIONS

Trustees may resign

86.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Re-election of any trustee lawful

(2) Where, after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

Urban trustee may resign

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may, with his own consent, be re-elected. R.S.O. 1950, c. 316, s. 86.

Trustees
resigning
but con-
tinuing
to act

MEETINGS OF BOARDS

(Sections 87 and 88 repealed by 1954, c. 79, s. 6.)

89.—(1) No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding.

Regularity
of pro-
ceedings

(2) If for any reason an urban board has not held its first meeting as provided by subsection 1 of section 87, or a rural board has not held its first meeting as provided by subsection 1 of section 88, the inspector may at any time call the first meeting of the board for such day, at such hour and at such place as he may determine. R.S.O. 1950, c. 316, s. 89.

In case
of delay
inspector
may call
first
meeting

NON-RESIDENT PUPILS

90.—(1) The board shall admit to the school any non-resident pupil if the inspector reports in writing to the parent and to the secretary of each board affected that the accommodation is sufficient for the admission of the pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides.

Admission
of non-
resident
pupils

(2) The parent or guardian of the non-resident pupil shall pay such fees monthly as may be prescribed by the board, but the fees paid by the parent or guardian to such school shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year.

Fees
of non-
resident
pupils

(3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost, including interest and sinking fund charges, of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Average
cost per
pupil, how
computed

(4) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section or urban municipality in which he resides, but

Resident of
one section
sending his
children to
another
section

the board of that section or urban municipality shall remit to the parent or guardian any rates so payable to the extent of the amount of the fees so paid to the board of the neighbouring school.

Attendance
of children
of non-
residents

(5) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents, the children of such non-resident shall be admitted to the public school of the section or urban municipality on the same terms and conditions as the children of residents.

Remission
of school
tax where
certain
fees paid

(6) Where the children attending a neighbouring school reside three miles or more by the nearest public road from the schoolhouse in the section or urban municipality to which they belong, the board of the section or urban municipality in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring school.

Pupils in
house of
refuge

(7) A person of school age maintained in a county house of refuge or a children's shelter shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost per pupil of the maintenance of the school.

Fees of non-
resident
pupils

(8) Where fees on behalf of non-resident pupils are payable by one school board to another, the maximum fees which may be charged shall be calculated as in subsection 3, except that amounts of legislative county and municipal grants shall not be deducted from the gross cost.

Pupils
residing
on tax
exempt
lands

(9) Where a person of school age who resides on lands which are exempt from taxation for school purposes, attends a public school and he and his parents or guardians are not assessed for, and do not pay, taxes for school purposes in the school section, the parent or guardian of the pupil or an agent in his behalf shall pay to the board of the school such monthly fees as may be prescribed by the board, but not exceeding the average cost per pupil computed as provided in subsection 3 except that in such computation county and municipal grants shall not be deducted. R.S.O. 1950, c. 316, s. 90.

When
school may
be closed

91.—(1) Where in any rural school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the section shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of section 115.

Providing
for admis-
sion of
pupils from
rural school
section to
urban or
Indian
schools

(3) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsections 1 and 2 of section 115 to be levied, collected and applied to teachers' salaries.

Expenses
payable by
township

(4) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements.

Share of
grants

(5) The board may levy and collect upon the taxable property of the section, such further sum as may be necessary to pay the fees of pupils attending the schools of adjoining urban municipalities or school sections or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board may deem expedient or as may be required by the Act. R.S.O. 1950, c. 316, s. 91.

Fees and
travelling
expenses

92.—(1) The board of education or board of public school trustees in an urban municipality may agree with the board of public school trustees of an urban municipality or school section or township school area adjacent to the boundaries of the first-mentioned urban municipality for the erection by either or any of the boards of a school or schools in the adjacent urban municipality, school section or township school area, or in the first-mentioned municipality, for the joint accommodation of pupils from the adjacent urban municipality, school section or township school area and from the first-mentioned urban municipality or from any designated area thereof contiguous to the township municipality, school section or township school area, or for the joint use of a school or schools in any such school section or municipality by pupils from the first-mentioned urban municipality and from the adjacent urban municipality, school section or township school area or the designated area.

Agreements
between
boards as
to school
accommo-
dation

Equaliza-
tion of
assessment

(2) Where any such agreement provides that a part of the annual expenditure for maintenance and for the payment of debenture debt shall be borne by each board, the assessment shall be equalized annually by a board of arbitrators, one of whom shall be appointed by each of the boards interested, and in the case of the number so appointed being an even number the judge of the county or district court shall be a member of the board and the chairman thereof.

Terms of
agreement

(3) The agreement shall fix the accommodation to be provided, and where the schools are to be erected, provide for the erection thereof and the class of buildings to be erected, and shall also fix the proportion of the cost of providing such accommodation or of erecting and maintaining the school to be contributed by the urban municipality, the school section and the township school area, respectively.

Raising
proportion
of cost

(4) Each of the boards shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the urban municipality and the corporation of the township as part of the rate levied for public school purposes in the urban municipality or in the school section or township school area.

Agreement
to be
approved by
Minister

(5) The agreement shall not be binding nor shall it be acted upon until it has received the approval in writing of the Minister.

Regulations.
Rev. Stat.,
c. 94

(6) The Minister may make regulations in the manner provided by *The Department of Education Act* for the apportionment of the legislative and municipal grants in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such schools out of the legislative grants for rural and urban schools, respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. R.S.O. 1950, c. 316, s. 92.

POWERS AND DUTIES OF BOARDS

Duties of
board

93. It shall be the duty of the boards of all public schools to see that the schools are conducted according to this Act and the regulations, and they shall have power,

(*clauses a, b, c, of section 93 repealed by 1954, c. 79, s. 7 (1).*)

inspection
of school
property at
first meeting
of board;

(d) in the case of a rural school board at the first meeting of the board, to examine the schoolhouse, out-buildings and school furniture, maps and apparatus,

with a view to ascertaining what repairs or improvements may be necessary, and to make suitable provisions for lighting fires and keeping the school-house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

- (e) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil during the school year who is not six years of age on the opening day of school in September; R.S.O. 1950, c. 316, s. 93 (d, e). to provide accommodation; Rev. Stat., c. 356

- (f) to acquire or rent school sites and premises and to build school buildings. 1954, c. 79, s. 7 (2).

(clauses g, h, i, of sec. 93 repealed by 1954, c. 79, s. 7 (3).)

- (j) to keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vocational schools; to keep school open and establish classes, etc.

- (k) in the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would otherwise be required to attend the school under their charge; R.S.O. 1950, c. 316, s. 93, (j, k). rural school, reporting deaf, dumb and blind;

(Clause (l) of sec. 93 repealed by 1954, c. 79, s. 7 (3).)

- (m) to enter into an agreement with the local board of health of the municipality to provide medical and dental inspection of pupils as authorized by *The Public Health Act* as the board may deem proper; R.S.O. 1950, c. 316, s. 93 (m). agreement for medical and dental inspection; Rev. Stat., c. 306

(Clauses n and o of sec. 93 repealed by 1954, c. 79, s. 7 (3).)

exemption
of indigent
persons
from school
rates;

- (*p*) if deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the 1st day of August, and, where deemed necessary, to provide for the children of such person text-books and other school supplies at the expense of the board; R.S.O. 1950, c. 316, s. 93, cl. (*p*).

urban
boards
to pay
officials and
maintenance
expenses;

- (*q*) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board, incurred by the authority of the board; 1951, c. 73, s. 2.

estimates
to be
submitted
to council;

- (*r*) to prepare and submit to the municipal council on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the schools under their charge, and the estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources;

payment of
teachers'
salaries;

- (*s*) to provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries monthly, and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding eight per cent per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected;

to publish
auditors'
report;

- (*t*) to submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same, and to publish, as soon as the audit is made, in one or more of the public newspapers or otherwise, an abstract of the annual report of the auditors with their findings and recommendations;

custody and
disposal of
school
property;

- (*u*) to take possession of all property acquired or given for public school purposes and to hold it according to the terms on which it was acquired or given, and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, to convey the same under their

corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; R.S.O. 1950, c. 316, s. 93, (u).

(Cls. v, w, x of s. 93 repealed by 1954, c. 79, s. 7 (3).)

- (y) if deemed expedient and subject to the regulations, ^{evening lectures} to establish, conduct and maintain free lectures, open to the public, and to include in their estimate for the current year the expense thereof; R.S.O. 1950, c. 316, s. 93 (4).

(Cls. z and za of s. 93 repealed by 1954, c. 79, s. 7 (3).)

- (zb) if deemed expedient, to provide for surgical ^{providing surgical treatment for children in certain cases;} treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parent or guardian of the child;
- (zc) in cities of 100,000 population and over, to provide, ^{special classes for blind and deaf;} if deemed expedient, and subject to the approval of the Minister, special classes for the instruction of blind or deaf and dumb pupils residing within the municipality;
- (zd) to provide and pay for such equipment as may be ^{agricultural equipment;} necessary for the teaching of agriculture, and, if deemed expedient, to contribute toward the support of rural school fairs; R.S.O. 1950, c. 316, s. 93 (zb, zc, and zd).

(Cls. ze, zf of sec. 93 repealed by 1954, c. 79, s. 7 (3).)

(Sec. 94 repealed by 1954, c. 79, s. 8.)

95. The board of a city may, when so requested in writing ^{Employing teachers in charitable institutions} by a charitable organization having the charge of children of school age, employ and pay teachers for the education of such children and pay for and furnish school supplies for their use, whether or not such children are being educated in premises within or beyond the limits of the city, and any children being so educated shall be subject to the provisions of this Act and the regulations. R.S.O. 1950, c. 316, s. 95.

(Sec. 96, 97, 98 repealed by 1954, c. 79, s. 8.)

Board may provide for transportation of pupils

99. The board may provide for the transportation of pupils to and from a school maintained by it or which is used jointly by it and another board or other boards. R.S.O. 1950, c. 316, s. 99.

Transportation of resident pupils attending outside schools

100.—(1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a public continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Cost of transportation

(2) The cost of providing transportation under section 99 or this section shall be an expense to be included in the estimates for the current year.

Purchase of vehicles for transportation of pupils

(3) Notwithstanding subsection 2, for the purpose of providing transportation of pupils a board may purchase a bus or buses or other vehicles either out of current revenue or by the issue of municipal debentures as authorized by this Act. R.S.O. 1950, c. 316, s. 100.

(Sec. 101 repealed by 1954, c. 79, s. 8.)

DUTIES OF SECRETARY

Duties of secretary,

102. It shall be the duty of the secretary,

(cl. a of sec. 102 repealed by 1954, c. 79, s. 9.)

calling special meetings;

(b) in the case of a rural school section, to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;

names and addresses of trustees and teachers to be given to township clerk;

(c) in the case of a rural section, to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

notice of annual meeting and meetings to fill vacancies in board, etc.;

(d) in the case of a rural section, to give the notice required by this Act of each annual meeting of the ratepayers of the section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a

new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the section at least six clear days before the time of holding the meeting, and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

report at
annual
meeting;

- (e) to transmit to the inspector all returns, on or before the 15th day of January in each year, according to the forms prescribed by the regulations. R.S.O. 1950, c. 316, s. 102 (b-e).

transmis-
sion of
returns

103. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the school-house or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 4 of section 43 of *The Schools Administration Act, 1954*. 1954, c. 79, s. 10. 1954, c. . . .

Compensa-
tion of
secretary-
treasurer

AUDITORS OF RURAL SECTIONS

104.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting, and the other appointed by the board on or before the 1st day of December in each year.

Auditors

(2) Where an auditor refuses or is unable to act or dies, another may be elected or appointed in his place.

Filling
vacancies

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Appoint-
ment by
inspector

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer

Trustees
and
secretary-
treasurer
to lay
accounts,
etc., before
auditors

and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

Time of
audit

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Auditors for
consolidated
school

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. R.S.O. 1950, c. 316, s. 104.

Duties of
auditor

105.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

Differences
between
auditors

(2) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector.

Report of
objections

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, and shall submit it to the Minister, whose decision shall be final. R.S.O. 1950, c. 316, s. 105.

Powers of
auditors

106. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. R.S.O. 1950, c. 316, s. 106.

May com-
plete audit
after time
prescribed

107. An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. R.S.O. 1950, c. 316, s. 107.

TEACHERS

Duty of
teacher re,

108. It shall be the duty of every teacher,

instruction
and
discipline;

(a) to teach diligently and faithfully the subjects in the public school course of study as prescribed by the regulations, to maintain proper order and discipline in the school, to encourage the pupils in the pursuit of learning, and to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

- (b) to use the English language in instruction and in ^{use of English language:} all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;
- (c) to see that the schoolhouse is ready for the reception ^{duties in and about the school-house, registers, etc.;} of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the regulations, to enter in the visitors' book visits made to the school, to give the inspector, trustees and visitors access at all times to the register and visitors' book, and to deliver the register, the schoolhouse key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;
- (d) to classify the pupils according to the courses of study ^{classification of scholars and conduct of classes;} prescribed, to conduct the school in accordance with a time-table which shall be accessible to pupils and visitors, to prevent the use by pupils of text-books which are not authorized by the regulations or prescribed by the Minister, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and the reason therefor, and, subject to revision by the inspector, to make at the end of each school term such promotions from one grade to another as he may deem expedient;
- (e) to hold closing exercises of the school and to give ^{examinations;} due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;
- (f) to furnish to the Minister and to the inspector any ^{information for Minister and inspector;} information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the regulations;

care of
health of
pupils and
preservation
of school
property;

- (g) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings;

infectious
diseases
among
pupils;

Rev. Stat.,
c. 306

- (h) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;

disciplinary
powers

- (i) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify the suspension. R.S.O. 1950, c. 316, s. 108.

(Sections 109 and 110 repealed by 1954, c. 79, s. 11.)

(Sec. 111 repealed by 1954, c. 79, s. 12.)

(Sec. 112 repealed by 1954, c. 79, s. 13.)

Organiza-
tion of
teachers'
institutes

113.—(1) Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.

Aid to
teachers'
institutes
by the
Legislature
and equiva-
lent from
muni-
cipalities

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized and conducted according to the regulations where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and

the council of each county, city or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city or town a sum at least equal to the amount so apportioned.

(3) If the teachers in an inspectorate composed of a city ^{City and county sharing} and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

(4) In territory without county organization the Minister ^{In the districts} may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1950, c. 316, s. 113.

LEGISLATIVE AND MUNICIPAL GRANTS

114.—(1) With respect to all moneys received by him ^{Who to be sub-treasurer} from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school ^{Treasurers of cities and separated towns to receive grants} purposes subject to the order of the board.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. ^{Responsibility of treasurer and sureties} R.S.O. 1950, c. 316, s. 114.

115.—(1) The council of each township in a county shall ^{Township grant towards teachers' salaries in counties} each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, at least the sum or sums set forth below for every public school where a teacher or a principal teacher is engaged for two consecutive terms and the additional sums set forth below where an assistant teacher is engaged for two consecutive terms,

- (a) where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in such a township is at least equal to an average assessment of \$100,000 for each section therein, the sum of \$600 at least for every principal teacher and the additional sum of at least \$400 for every assistant teacher;
- (b) where such assessed value is at least equal to an average assessment of \$60,000, but is less than an average assessment of \$100,000, for each section, at least \$500 for each principal and \$350 for each assistant;
- (c) where such assessed value is at least equal to an average assessment of \$40,000, but is less than an average assessment of \$60,000, the sum of \$400 at least for each principal and \$300 for each assistant;
- (d) where such assessed value is at least equal to an average assessment of \$30,000, but is less than an average assessment of \$40,000, the sum of at least \$300 for each principal and \$200 for each assistant;
- (e) where such assessed value is below an average assessment of \$30,000, the sum of at least \$150 for each principal and \$100 for each assistant teacher;
- (f) where a teacher or principal teacher is engaged for one school term or longer, but for less than two consecutive school terms, a proportionate amount of the sums set forth above shall be levied and collected for every principal and every assistant teacher.

In town-
ships in the
districts

(2) In a township in territory without county organization, whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate part of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer.

Application
of township
grant

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,200.

(4) In the case of a union school section formed of parts of townships or of a township school area consisting of more than one township or parts thereof, the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 40 or 41, as the case may be.

Township grants to union school sections

(5) The council of every township shall each year levy and collect by assessment upon the taxable property of the whole township not included in an urban municipality or annexed thereto, for school purposes, such a sum as is required to pay the salary and expenses of the attendance officer or officers appointed by the council under authority of *The School Attendance Act* and *The Adolescent School Attendance Act*.

Township to raise salary and expenses of attendance officers under

Rev. Stat., c. 347, 6

(6) The payments to the boards under this section shall be made on the warrant of the proper inspector.

Payments to boards

(7) Each section in a township which forms part of a consolidated school section shall for the purposes of subsection 1 be counted as a separate section. R.S.O. 1950, c. 316, s. 115.

Township grant for consolidated schools

116. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. R.S.O. 1950, c. 316, s. 116.

Abatement of amounts proportionately

117. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. R.S.O. 1950, c. 316, s. 117.

Amounts required to be raised to be paid over as required

118.—(1) Subject to sections 22 to 28, the provisions of sections 115 and 116 shall apply to consolidated schools, but the amount of the township grant provided for by section 115 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place.

Consolidated schools

(2) Where upon the formation of a consolidated school section a public school section has been divided and each of the provisional sections so formed has become a part of a consolidated school section, the township grant for the public

Distribution of township grant on division of sections on forming consolidated school

school section divided shall be apportioned between the consolidated school sections according to the assessment of each of the provisional sections.

When grant
to be paid
to inde-
pendent
section

(3) Where one of the provisional sections becomes part of a consolidated school section and the remaining provisional section is continued as an independent section the whole of the township grant shall be paid to such independent section until it becomes part of a consolidated school section, and thereupon the grant shall be distributed as provided in subsection 2.

Where
remaining
provisional
section
merged

(4) Where a provisional section which has not been included in a consolidated school section ceases to remain an independent section and becomes a part of an adjoining school section by rearrangement of boundaries or by the formation of a union school section, the township grant formerly paid to the school section of which the provisional section formed a part shall be paid to the consolidated school section, or if more than one consolidated school section has been formed the township grant shall be apportioned to each of such consolidated school sections as provided in subsection 2.

Township
grant not to
be payable
to consoli-
dated school
section
including
urban muni-
cipality

(5) Where a consolidated school section includes an urban municipality the consolidated school section shall not share in the township grant to be levied and applied under section 115, and the portion of the township included in the consolidated school area shall be exempt from taxation for the purpose of raising the amount necessary for the payment of such township grant. R.S.O. 1950, c. 316, s. 118.

INSPECTORS

Minister to
determine
number of
inspectors

119.—(1) The Minister shall determine the number of inspectors to be appointed throughout the Province, and he shall also define the limits of the inspectorate of each inspector except in the case of a city inspector.

In cities
where
several
inspectors

(2) Where more inspectors than one are appointed in a city, the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, and subject to the like approval may assign to each inspector such duties in addition to those prescribed by the regulations as the board may deem expedient. R.S.O. 1950, c. 316, s. 119.

Appoint-
ment in
cities
where no
duties
outside

120.—(1) Where the duties of an inspector are confined entirely to the public schools of a city, the appointment of such inspector shall be made by the board of education or the public school board, as the case may be, of the city.

(2) The appointment of all other inspectors shall be made by the Lieutenant-Governor upon the recommendation of the Minister, and they shall hold office during pleasure. Appointments elsewhere to be made by Crown

(3) Where the Minister directs the appointment of an additional inspector in a city, or when a vacancy occurs in the office of city inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving the direction or after the vacancy occurs. Appointments to fill vacancies in cities

(4) The secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post. Resolution to be sent to Minister

(5) Where a public school board or board of education of a city for one month after a vacancy occurs or after the Minister has directed the appointment of an inspector neglects to make an appointment the appointment may be made by the Minister. Appointment by Minister on neglect of board

(6) Every appointment of a city inspector shall be subject to ratification by the Minister, and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the board shall appoint another inspector as provided for by this Act. Ratification of appointment by Minister

(7) Where more inspectors than one are appointed in a city the board may, subject to the approval of the Minister, designate one of the inspectors to be chief inspector, and, subject also to the approval of the Minister, the board may assign such duties in addition to those prescribed in the regulations to the chief inspector and to each inspector, as the board may deem expedient. Chief inspector for city, assignment of duties

(8) When the number of teachers in a city occupying separate classrooms with separate registers becomes one hundred, the public school board or the board of education, as the case may be, of the city shall appoint a city inspector. Where inspector to be appointed for city only

(9) In a city where the number of teachers occupying separate classrooms with separate registers is fewer than one hundred, the public school board or board of education, as the case may, of the city may make application to the Minister for power to appoint a city inspector and the Minister shall have authority to approve of the request. R.S.O. 1950, c. 316, s. 120. Where city inspector may be appointed elsewhere

120a.—(1) When the number of teachers employed by a board having jurisdiction in an area consisting of one or more municipalities or one or more parts of municipalities Municipal inspector

becomes one hundred, the public school board or board of education, as the case may be, may appoint an inspector for the area, and such area shall be designated as a municipal inspectorate. 1953, c. 90, s. 14, (1).

Application
of ss. 119,
120, 121-124

(2) Where an inspector is appointed under subsection 1, the provisions of section 119 and 120, except subsections 8 and 9 of section 120, and the provisions of sections 121 to 124, in relation to city inspectors and city inspectorates, shall apply *mutatis mutandis* to the municipal inspector and the municipal inspectorate in which he has jurisdiction. 1951, c. 73, s. 3, (part); 1953, c. 90, s. 14, (2).

Suspension
or removal
of inspector
by Minister

121.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

By board

(2) The board of a city by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board of the city shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office, and the decision of the Minister shall be final.

Direction as
to payment
or for-
feiture of
salary

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. R.S.O. 1950, c. 316, s. 121.

122.—(*Subsection 1 of s. 122 repealed by 1954, c. 79, s. 13.*)

Inspector
removed
not to be
employed

(2) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister.

Qualifica-
tion of city
inspector

(3) An inspector appointed by the board of education or the public school board, as the case may be, of a city shall hold the qualifications for an inspector prescribed by the regulations and shall be required to take such courses of training as may be required under the regulations.

Whole time
to be given

(4) An inspector shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as an inspector, without the approval of the Minister. R.S.O. 1950, c. 316, s. 122, (2-4).

Duties of
inspectors

123.—(1) Subject to the regulations it shall be the duty of every public school inspector,

- (a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;
- (b) to assist and co-operate with school boards to the end that the public schools may best serve the needs of the children in each community;
- (c) to visit in every year each school room in his inspectorate, having a separate register, as often and for such length of time on each occasion as the Minister may direct;
- (d) to prepare a report of every such visit in the form prescribed by the regulations;
- (e) to forward within ten days after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister, and also to the board of the city in the case of a city inspectorate;
- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (h) to furnish the Minister with information respecting any public school in his inspectorate whenever required to do so;
- (i) to withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,
 - (i) where any school has been kept open for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease,
 - (ii) where the board fails to transmit promptly the annual or other school returns properly filled up,
 - (iii) where the board fails to comply with this Act or with the regulations,

(iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations,

and in every case to report to the board and to the Minister his reasons for so doing;

(j) to discharge such other duties as may be required by the Minister or regulations;

(k) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister.

Responsi-
bility to
Minister

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties, and, subject to the regulations, shall obey the direction of the board in the case of a city inspectorate.

Power
to take
evidence
on oath

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1950, c. 316, s. 123.

How salaries
to be fixed

124.—(1) The salaries and travelling and other expenses of all inspectors, except city inspectors, shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

In cities

(2) The salary and travelling and other expenses of a city inspector shall be fixed by the board of education or the board of public school trustees, as the case may be, and shall be payable by the treasurer of the board. R.S.O. 1950, c. 316, s. 124.

ALLOWANCE TO ARBITRATORS AND INSPECTORS

Arbitrators
to award
costs

125. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive. R.S.O. 1950, c. 316, s. 125.

Allowance
to arbitra-
tors

126. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. R.S.O. 1950, c. 316, s. 126.

(Sections 127 and 128 repealed by 1954, c. 79, s. 13.)

(Section 129 repealed by 1954, c. 79, s. 14.)

130.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof. Sick leave credits

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister R.S.O. 1950, c. 316, s. 130.

(Section 130 repealed by 1954, c. 79, s. 15.)

INSTRUCTION IN AGRICULTURE, INDUSTRIAL ARTS AND CRAFTS, AND HOME ECONOMICS

131.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture, or other certificate of qualification, from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the regulations to give instruction in agriculture, industrial arts and crafts, and home economics in the public schools of the municipality, and the council may levy and collect from the ratepayers of the municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith. Engagement of instructor in agriculture, etc., by township council

(2) The courses of instruction shall be those prescribed by the regulations. Courses of instruction

(3) The board of a rural school section or of a union school section, or a number of such boards, may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools. Engagement by board

(4) The courses of instruction in agriculture, industrial arts and crafts, and home economics shall, as far as practicable, be open to all residents of the school section or municipality. Courses to be open to all residents R.S.O. 1950, c. 316, s. 131.

132.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board, or any of such boards in a city, town or village, may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, industrial arts and crafts, and home economics in connection with the work of the schools under the management of the boards, and for providing suitable buildings, apparatus Classes in urban schools

and appliances for carrying on such classes and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Management
under
committee

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of the boards or of one or more of them, and such committees may, if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration
of office

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Providing
for cost of
instruction

(4) The committees shall annually, on or before the 1st day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. R.S.O. 1950, c. 316, s. 132.

(Sections 133, 134, 135, 136, repealed by 1954, c. 79, s. 15.)

(Subsections 1, 2 and 3 of section 137 repealed by 1954, c. 79, s. 16.)

Disqualifi-
cation of
municipal
clerk

137.—(4) The clerk of a municipality shall not be eligible to be a member of a public school board having jurisdiction in the whole or any part of the municipality. 1953, c. 90, s. 15, (4).

(Sections 138-152 repealed by 1954, c. 79, s. 17.)

(NOTE.—For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him, see *The Department of Education Act, Rev. Stat., c. 94.*)

Penalties
for not
maintain-
ing school
as required
by Act

153. Where a board makes default in maintaining a public school during the whole school year, or such part thereof as this Act requires, every member of the board shall be guilty of an offence and liable to a penalty of \$5 for every week during

which the default continues, unless he proves that he did everything in his power to prevent the default. R.S.O. 1950, c. 316, s. 153.

154. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. R.S.O. 1950, c. 316, s. 154.

Recovery
and appli-
cation of
penalties
Rev. Stat.,
c. 379

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THE SCHOOLS ADMINISTRATION ACT, 1954

Statutes of Ontario, 1954

CHAPTER 86



TORONTO

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1954

PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act, 1954

*The Public Schools Act

The Schools Administration Act, 1954

*The Secondary Schools and Boards of
Education Act, 1954

*The Separate Schools Act

The Ontario School Trustees' Council Act, 1953

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Schools Administration Act, 1954

Statutes of Ontario, 1954

CHAPTER 86

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpreta-
tion

- (a) "board", except in Part VI, means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means Department of Education;
- (c) "elementary school" means public or separate school;
- (d) "high school" includes collegiate institute;
- (e) "Minister" means Minister of Education;
- (f) "municipality" means city, town, village or township, but does not include county; *New*.
- (g) "occasional teacher" means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (h) "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
- (i) "prescribed" means prescribed by the regulations; *New*.
- (j) "probationary teacher" means a teacher employed for a probationary period,

- (i) of not more than two years for a teacher with less than three years' experience before the commencement of the contract, or
- (ii) of not more than one year for a teacher with three or more years' experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher; 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.

1954, c. 20

- (*k*) "regulations" means regulations made under *The Department of Education Act, 1954*;
- (*l*) "secondary school" means continuation, high or vocational school;
- (*m*) "secondary school district" means continuation or high school district;
- (*n*) "secretary" and "treasurer" include a secretary-treasurer; *New*.
- (*o*) "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year. 1952, c. 36, s. 1 (2), *part*; 1953, c. 90, s. 1, *part*.
- (*p*) "urban municipality" means city, town or village. *New*.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

Interpretation

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1950, c. 6, s. 1, cl. (*b*); c. 347, s. 1, cl. (*a*); *amended*.

School year

3.—(1) The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next following Labour Day and ends on the 22nd day of December, but when the 22nd day of December is a Monday, the first term ends on the 19th day of December.

(3) The second term begins on the 3rd day of January and ^{Second term} ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. R.S.O. 1950, c. 165, s. 61 (1, 2); c. 316, s. 6 (1, 2); c. 356, s. 85 (1, 2); *amended*.

4. The following are school holidays:

School
holidays

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
4. Victoria Day.
5. The birthday or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday or for a general fast or thanksgiving.
9. Remembrance Day.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under *The Public Health Act* or under *The Department of Education Act, 1954*, or the regulations. R.S.O. 1950, ^{Rev. Stat., c. 306} 1954, o. 20 c. 165, s. 61 (3); 1953, c. 44, s. 2; R.S.O. 1950, c. 316, s. 6 (3); 1953, c. 90, s. 2; R.S.O. 1950, c. 356, s. 85 (3); 1953, c. 98, s. 1; *amended*.

5.—(1) With the approval of the inspector, a rural elemen- ^{Rural areas} tary school board may substitute holidays in some other part of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1950, c. 316, s. 6 (4); c. 356, s. 85 (4).

(2) In a territorial district, the inspector, subject to an ^{School terms in districts} appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1950, c. 316, s. 6 (5), *amended*.

Compulsory
attendance

6.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

When
attendance
excused

(2) A child is excused from attendance at school,

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;
- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school which he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

- (f) if he has obtained a secondary school graduation diploma or has completed a course which gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1950, c. 347, ss. 2, 4 (1), 19 (2), *amended*; c. 6, ss. 2, 18; *amended*.

(3) The fact that a child is blind or deaf is not an un-^{Blind or deaf children}avoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf. R.S.O. 1950, c. 347, s. 4 (2), *amended*.

(4) Where a child under compulsory school age has been^{Child under compulsory age} enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. R.S.O. 1950, c. 347, s. 4 (4), *amended*.

(5) The parent or guardian of a child who is required to^{Duty of parent, etc.} attend school under this section shall cause the child to attend school as required by this section. R.S.O. 1950, c. 347, s. 3, *amended*.

(6) Nothing in this section requires the child of a Roman^{Separate school supporters} Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1950, c. 347, s. 19 (1).

7.—(1) The Lieutenant-Governor in Council may appoint^{Provincial school attendance officer} an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1950, c. 347, s. 6, *amended*.

(2) Where a child or his parent or guardian considers that^{Inquiry, by Minister} the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to

the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial officer (3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance officer may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1950, c. 347, s. 4 (3), *amended*.

Powers of provincial officer (4) The provincial school attendance officer shall have all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. *New*.

Appointment of school attendance officers 8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

Idem (2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

Idem (3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

Idem (4) Every elementary and secondary school board in unorganized territory shall appoint one or more school attendance officers.

Idem (5) Two or more boards or councils may appoint the same attendance officer or officers.

Vacancies (6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

Notice of appointment (7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the

elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.

(8) Notice of the appointment of a school attendance ^{Idem} officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. R.S.O. 1950, c. 347, s. 8 (1, 2, 4-6, 10), *amended*.

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board. ^{Jurisdiction and responsibility of officers appointed by township council}

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board. ^{by public school board}

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board. ^{by separate school board}

(4) A school attendance officer appointed by a high school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the high school district and are or have been enrolled in a secondary school. ^{by high school board}

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. R.S.O. 1950, c. 347, s. 8 (7, 8), *amended*. ^{by board of education}

Powers of
officers**10.**—(1) A school attendance officer may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1950, c. 347, s. 8 (3), *amended*.

Reports

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

To act under
inspector
and
provincial
officer

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1950, c. 347, s. 8 (12, 13), *amended*.

Inquiry
by officer
and notice

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1950, c. 347, s. 10, *amended*.

Census

11. A board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1950, c. 347, s. 9, *amended*.

Reports
and infor-
mation

12.—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1950, c. 347, s. 13 (1-3), *amended*.

13.—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required,

- (a) in farm work on a farm operated by his parent or guardian;
- (b) in some occupation in or about the home of his parent or guardian; or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1950, c. 347, s. 5 (2), *amended*.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required,

- (a) in some occupation in or about the home of his parent or guardian; or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1950, c. 6, s. 3, *amended*.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1950, c. 6, s. 16, *amended*.

14. Where it appears to the Minister that in any unorganized territory school trustees are not providing accom-

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c. 316

modation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform, with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1950, c. 347, s. 7.

Liability
of parent
or guardian

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Bond for
attendance

(2) The judge or magistrate may, instead of imposing a penalty, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required. R.S.O. 1950, c. 347, s. 11, *amended*.

Employment
during
school hours

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 unless the child,

(a) holds a home permit or employment certificate authorizing the employment; or

(b) is excused from attendance at school under clause *c* of subsection 2 of section 6. R.S.O. 1950, c. 6, ss. 4, 15 (1) *part*; c. 347, s. 5 (1); *amended*.

Offences by
corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1950, c. 347, s. 14, *amended*.

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1950, c. 347, s. 12, *amended*. Proceedings to be taken by attendance officers

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1950, c. 347, s. 16 (2); c. 6, s. 15 (2); *amended*. Certificate of principal as evidence

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1950, c. 347, s. 18, *amended*. Proof of age

PART II

TEACHERS

17.—(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein. R.S.O. 1950, c. 356, s. 48, *part, amended*; 1952, c. 36, s. 7 (1); 1953, c. 90, s. 13 (1). Memo-randum of contract

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging. R.S.O. 1950, c. 356, s. 48, *part*. Board and lodging

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1950, c. 165, s. 59 (2); c. 316, s. 111 (3); c. 356, s. 52. Salary of teacher

Payment for
absence due
to illness
or dental
condition

(4) A teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; but a board may in its discretion pay the teacher his salary for more than twenty days' absence from duty on account of sickness or such tooth or gum condition. R.S.O. 1950, c. 356, s. 53 (1), *amended*; 1952, c. 36, s. 7 (2); 1953, c. 90, s. 13 (2).

Absence of
teacher in
quarantine

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1950, c. 165, s. 59 (4); c. 316, s. 111 (6).

Appearing
as witness
in court

(6) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1950, c. 165, s. 59 (5); c. 316, s. 111 (5); c. 356, s. 53 (2).

Disputes
between
teachers and
trustees

(7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18. R.S.O. 1950, c. 165, s. 59 (7); c. 316, s. 111 (7); c. 356, s. 55 (1).

Award of
salary by
way of
penalty

(8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1950, c. 165, s. 59 (8); c. 316, s. 111 (8); c. 356, ss. 54, 55 (2), *amended*.

Failure of
board to pay
salary when
no written
agreement

(9) For the purposes of subsection 8, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1950, c. 165, s. 59 (9); c. 316, s. 111 (9).

Appeals
from division
court judg-
ment

18.—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action

is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)". Appeal by Minister

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the court below

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1950, c. 316, s. 127. Right of appeal

19.—(1) Subject to *The Department of Education Act, 1954*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1950, c. 165, s. 58 (1); c. 316, s. 111 (2); *amended*. Teachers to be qualified 1954, c 20

(2) Subject to the provisions of *An Act respecting the Qualifications of Certain Teachers*, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1950, c. 356, s. 51. Separate school teachers

Certificates
1954, c. 20

(3) Subject to *The Department of Education Act, 1954*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem

(4) All certificates shall be valid for such periods as the regulations prescribe. R.S.O. 1950, c. 316, s. 112 (1, 2), *amended*.

Use of
unapproved
text-books

20.—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem

(2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the board which operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of
text-book

(3) Subject to the written approval of the board which operates the school, a teacher may replace any approved text-book which is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1950, c. 165, ss. 62, 68; c. 316, ss. 110, 133; c. 356, ss. 50, 86; *amended*.

Refusal to
give up
school
property

21. A teacher who refuses, on demand or order of the board which operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made and he shall also forfeit any claim which he may have against the board. R.S.O. 1950, c. 316, s. 109; c. 356, s. 49, cl. (f); *amended*.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpreta-
tion

22. In this Part,

(a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. 1953, c. 96, s. 1, *amended*.

23.—(1) The dismissal of a teacher, or the termination of Termination of employment, by school board the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. 1953, c. 96, s. 2 (1), *amended*.

(2) Where a teacher is employed by a board, the termination by teacher of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract.

(3) Notwithstanding anything in this or any other Act, Application for appeal where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher in a manner not mutually agreeable, the teacher or board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

(4) The applicant shall send a copy of the application by Service of notice registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. 1953, c. 96, s. 2 (2-4).

24.—(1) A board shall not make a permanent appointment Appointment in place of teacher dismissed to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until,

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 23;
- (b) the board has received from the teacher notice in writing that no application will be made under section 23;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 23 has been withdrawn;

- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 23;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (f) the board has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs.

Contract
after ter-
mination of
engagement
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 23 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 23;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 25; or
- (d) the teacher has received from the Minister a direction under section 28 directing the discontinuance of the contract,

whichever first occurs. 1953, c. 96, s. 3.

Application
for Board
of Reference

25.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable. Security for costs

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered letter to the board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister. Naming of representatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement. Failure to name representatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract. idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. 1953, c. 96, s. 4. Failure of representatives to appear

26. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1953, c. 96, s. 5. Place and time of hearing

27.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Duty to inquire and powers of judge

Rev. Stat., c. 308

(2) The meetings of the Board of Reference shall be held *in camera*. 1953, c. 96, s. 6. Meetings in camera

28.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference to report

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered letter to the board and Notice of direction

the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. 1953, c. 96, s. 7.

Direction
of Board

29.—(1) The direction of the Board of Reference under section 28 shall be binding upon the board and the teacher.

Failure to
comply with
direction
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 28, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 28, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1953, c. 96, s. 8.

Payment
of costs

30. Subject to the regulations made under section 31, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1953, c. 96, s. 9.

Regulations

31. The Lieutenant-Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1953, c. 96, s. 10.

PART IV

BOARDS AND TRUSTEES

Duties of
boards

32. Every board shall,

- (a) ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; R.S.O. 1950, c. 165, s. 28, cl. (b); c. 316, s. 93, *part*; c. 356, s. 46, cl. (n).

- (b) appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of an elementary school board, may be a member of the board; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*; c. 356, s. 46, cl. (a), *part*.
- (c) fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1950, c. 165, s. 28, cl. (a); c. 316, s. 93, cl. (b), *part*.
- (d) transmit to the Minister all reports and returns required by the regulations; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *amended*; c. 316, s. 93, cl. (b), *part*; c. 356, s. 46, cl. (l), *amended*.
- (e) make provision for insuring adequately the school buildings and equipment; R.S.O. 1950, c. 165, s. 28, cl. (g); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.
- (f) take proper security from the treasurer or secretary-treasurer; R.S.O. 1950, c. 165, s. 28, cl. (k).
- (g) keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board. R.S.O. 1950, c. 165, s. 28, cl. (f); c. 316, s. 93, cl. (f), *part*; c. 356, s. 46, cl. (e), *part*.

33. A board may,

Powers of
boards

- (a) appoint such committees as it may deem expedient; R.S.O. 1950, c. 165, s. 28, cl. (j), *part*; c. 316, s. 93, cl. (a), *part*.
- (b) subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1950, c. 165, s. 28, cl. (o); c. 316, s. 93, cls. (c), (h) *part*; c. 356, s. 46, cl. (p), *part*.
- (c) dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy; R.S.O. 1950, c. 316, s. 93, cl. (z).

- (d) determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; R.S.O. 1950, c. 316, s. 93, cl. (h), *part*; c. 356, s. 46, cl. (p), *part*; *amended*.
- (e) operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (d); c. 316, s. 93, cl. (ze).
- (f) organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 165, s. 28, cl. (e); c. 316, s. 93, cl. (zf).
- (g) purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; 1952, c. 18, s. 2 (2), *amended*.
- (h) purchase for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in defraying the cost thereof; R.S.O. 1950, c. 165, s. 29 (1), cl. (a); c. 316, s. 93, cl. (o); c. 356, s. 46, cl. (r), *part*; *amended*.
- (i) procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries; R.S.O. 1950, c. 316, s. 93, cl. (g).
- (j) provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving, R.S.O. 1950, c. 165, s. 29 (1), cl. (b); c. 316, s. 93, cl. (za); *amended*.
- (k) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by

the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; R.S.O. 1950, c. 165, s. 29 (1), cl. (c); c. 316, s. 93, cl. (l).

- (l) pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees in Ontario and may make grants and pay membership fees to any such association in Ontario; R.S.O. 1950, c. 165, s. 29 (1), cl. (d); c. 316, s. 97; c. 356, s. 46, cl. (o); *amended*.
- (m) pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (e); c. 316, s. 98; c. 356, s. 90 (5).
- (n) invest any proceeds from an insurance claim or any moneys received for a special purpose through legacy, gift or otherwise, and for such purposes shall have the powers conferred upon trustees by *The Rev. Stat., Trustee Act*; R.S.O. 1950, c. 165, s. 29 (1), cl. (f); ^{o. 400} c. 316, s. 94; c. 356, s. 81.
- (o) make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*.
- (p) where two or more schools are under the control of the board, appoint such supervisory officers as it deems necessary and, subject to the regulations, prescribe the duties of such officers; R.S.O. 1950, c. 165, s. 31; c. 316, s. 93, cl. (i).
- (q) subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1950, c. 165, s. 28, cl. (h), *amended*.

- (*r*) give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1950, c. 165, s. 28, cl. (*l*); c. 356, s. 46, cl. (*h*); *amended*.
- (*s*) permit the school buildings and premises to be used for any educational or other lawful purposes which it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1950, c. 316, s. 93, cl. (*x*).
- (*t*) expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice; R.S.O. 1950, c. 165, s. 28, cl. (*n*); c. 316, s. 93, cl. (*n*); c. 356, s. 46, cl. (*j*); *amended*.
- (*u*) establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;
- (*v*) provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1950, c. 165, s. 14; c. 316, s. 96; c. 356, s. 46, cl. (*s*), *amended*.
- (*w*) with the approval of the Minister,
 - (i) appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement, or
 - (ii) enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. R.S.O. 1950, c. 165, s. 32.

Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 48 of section 386 of *The Municipal Act* and the provisions of the said paragraph 48, except clause *b*, shall apply *mutatis mutandis*. R.S.C. 1952, c. 132
Rev. Stat., cc. 183, 243

(2) In this section, "employee" does not include a teacher or inspector. Interpretation

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister R.S.O. 1950, c. 165, s. 39; 1951, c. 32, s. 6; R.S.O. 1950, c. 316, s. 129; 1951, c. 73, s. 4; R.S.O. 1950, c. 356, s. 83; *amended*.

* **35.** A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 49 of section 386 of *The Municipal Act* and the provisions of the said paragraph 49 shall apply *mutatis mutandis*. Sick leave credits R.S.O. 1950, c. 165, s. 40; c. 316, s. 130; c. 356, s. 84; *amended*.

36.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500. Rev. Stat., c. 384

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation

Limitation
on applica-
tion of
section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to an employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1950, c. 165, s. 60; c. 316, s. 128; *amended*.

Insurance,
hospitaliza-
tion, etc.
Rev. Stat.,
cc. 183, 285

37.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-
tions

(2) No resolution under this section shall authorize contributions by the board in excess of the total of those made by the employees. R.S.O. 1950, c. 165, s. 29 (1), cl. (g), *part*; c. 316, s. 93, cl. (w), *part*; *amended*.

First
meetings

38.—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board. R.S.O. 1950, c. 165, s. 26 (1), *amended*; c. 316, ss. 87 (1), 88 (1) *part*, *amended*.

Presiding
officer

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member. R.S.O. 1950, c. 165, s. 26 (8), *amended*; c. 316, s. 87 (2); c. 356, s. 45 (1).

Election of
chairman

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. R.S.O. 1950, c. 165, s. 26 (2).

(4) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll or rolls shall have a second or casting vote. R.S.O. 1950, c. 165, s. 26 (9); c. 316, s. 87 (3); c. 356, s. 45 (2).

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. R.S.O. 1950, c. 165, s. 26 (3).

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1950, c. 165, s. 26 (4); c. 356, s. 45 (5), *part*.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board. R.S.O. 1950, c. 165, s. 26 (5); c. 316, s. 88 (1), *part*.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1950, c. 165, s. 26 (6).

(9) The presence of a majority of all the members constituting the board shall be necessary to form a quorum, and the vote of a majority of such quorum shall be necessary to bind the board. R.S.O. 1950, c. 165, s. 26 (7), *amended*; c. 316, ss. 87 (4), 88 (3); c. 356, s. 45 (6), *part*.

(10) The presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 165, s. 26 (10), *amended*; c. 316, s. 87 (5); c. 356, s. 45 (5), *part*.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient. R.S.O. 1950, c. 316, s. 88 (2); c. 356, s. 45 (3).

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. *New*.

39. Every secretary of a board shall,

Duties of
secretary

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book

provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

- (b) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1950, c. 316, s. 102, cl. (a); c. 356, s. 29, cl. (a); *amended*.

Security
by officers

40.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board. R.S.O. 1950, c. 165, s. 27 (1), *amended*; c. 316, s. 101 (1); c. 356, s. 31 (1).

Form of
security

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1950, c. 165, s. 27 (2); c. 316, s. 101 (2); c. 356, s. 31 (2).

Rev. Stat.,
c. 162

Duties of
treasurer

41. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1950, c. 165, s. 27 (3); c. 316, s. 101(4); c. 356, s. 30; *amended*.

Trustees
disqualified
as inspectors
and teachers

42.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member or by any other board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed nor to be a member of any other board having jurisdiction in the whole or any part of the area in which the board by which he is employed has jurisdiction.

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1950, c. 165, s. 70; c. 316, s. 137; c. 356, s. 88; *amended*. Inspectors disqualified as teachers and trustees

43.—(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be void, and a trustee violating the provisions of this subsection shall *ipso facto* vacate his seat. R.S.O. 1950, c. 165, s. 63, *amended*; c. 316, s. 139 (1); c. 356, s. 90 (1). Seat vacated by interest in contract with board

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1950, c. 165, s. 65; c. 316, s. 140 (1); c. 356, s. 90 (4). Newspaper proprietors, etc.

(3) A trustee who is a shareholder or an officer, director or other employee of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board. R.S.O. 1950, c. 165, s. 64; c. 316, s. 140 (2). Corporation shareholders and officers

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and otherwise as are permitted by the Act under which he is elected or appointed;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of

the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1950, c. 316, s. 139 (3); c. 356, s. 90 (3); *amended*.

Declaring
seat vacant

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139(2); c. 356, s. 90 (2); *amended*.

Seat
vacated by
conviction,
etc.

44.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the municipality in the case of an urban separate school board or within three miles of the school in the case of a rural separate school board, he shall *ipso facto* vacate his seat and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal which may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1950, c. 165, s. 66; c. 316, s. 138; c. 356, s. 89; *amended*.

Idem

45. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, shall apply. R.S.O. 1950, c. 316, s. 139 (4), *amended*.

46. If a board refuses or neglects to take proper security ^{Failure to take security} from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board shall be personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers, in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1950, c. 165, s. 71; c. 316, s. 143; c. 356, s. 95; *amended*.

PART V

AUXILIARY CLASSES

47.—(1) Subject to the regulations, a board may establish ^{Classes which may be established} and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses. R.S.O. 1950, c. 29, s. 2.

(2) Subject to the regulations, a board may establish day ^{Classes for deaf children} classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. R.S.O. 1950, c. 29, s. 3, *amended*.

48.—(1) For the purposes of section 47, the board may, ^{Powers of board} subject to the approval of the Minister,

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper. R.S.O. 1950, c. 29, s. 4 (1), *amended*.

(2) With the approval of the Minister, a site may be ^{Acquiring site, etc., in adjoining municipality} acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. R.S.O. 1950, c. 29, s. 4 (2), *amended*.

Admission
only on
recom-
mendation

49.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation, approved by the Inspector of Auxiliary Classes, of a board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and
- (c) the school inspector.

Chairman
and
inspector

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

Compulsory
attendance

(3) Subject to the regulations, a resident pupil,

- (a) who is required to attend school under Part I; and
- (b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

Non-
resident
pupils

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1952, c. 4, s. 1, *amended*.

Supervision
of health,
etc., of
pupils

50. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. R.S.O. 1950, c. 29, s. 8, *amended*.

Visiting
pupils in
their homes

51. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions which will be most conducive to the pupils' development. R.S.O. 1950, c. 29, s. 9, *amended*.

Transporta-
tion of
pupils

52. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 53. R.S.O. 1950, c. 29, s. 10.

53. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. R.S.O. 1950, c. 29, s. 11 (1), *amended*. Raising money for classes

PART VI

SCHOOL SITES

54. In this Part,

Interpretation

- (a) "board" means public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of *The Secondary Schools and Boards of Education Act, 1954*, c. 87; 1954, c. 87
- (b) "judge" means judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (d) "school site" means the land necessary for a school-house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. R.S.O. 1950, c. 348, s. 1, *amended*.

55. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1950, c. 348, s. 2. Judge not to act when member of board

56. The powers and duties conferred and imposed upon a board by this Part shall be subject to the regulations. R.S.O. 1950, c. 348, s. 3. Powers and duties to be subject to regulations

57.—(1) Subject to the provisions of *The Public Schools Act* and *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site. R.S.O. 1950, c. 348, s. 5 (1); 1951, c. 82, s. 2. Board may purchase or expropriate Rev. Stat. cc. 316, 356

Acquiring
land in
adjoining
township

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to
be exempt
from
taxation

(3) Where a board of education expropriates land under subsection 2, the land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1950, c. 348, s. 5 (2, 3).

Acquiring
land out-
side city
or town for
future
school sites

58.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

Assessment
and taxa-
tion

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situated.

Expropria-
tion not
authorized

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to
dispose of
sites so
acquired

(4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1950, c. 348, s. 6.

Order for
immediate
entry on
land taken

59. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1950, c. 348, s. 7, *amended*.

Who may
sell and
convey to
board

60.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every

trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract; sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1950, c. 348, s. 8.

61.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. R.S.O. 1950, c. 348, s. 9.

62. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1950, c. 348, s. 10.

63.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Contents of
notice

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Determining
compensa-
tion

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1950, c. 348, s. 11.

Judge may
determine
claims of
encum-
brancers,
etc.

64. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect of the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. R.S.O. 1950, c. 348, s. 12.

Damages
caused by
severance

65. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1950, c. 348, s. 13.

Right of
desistment

66.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

Not to be
exercised
more than
once

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1950, c. 348, s. 14.

Cost of
arbitration

67. The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1950, c. 348, s. 15.

Vesting
order

68. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and shall confer upon the board a good title to the land taken. R.S.O. 1950, c. 348, s. 16.

69.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid. Compensation to be paid within thirty days

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. R.S.O. 1950, c. 348, s. 17. Payment into court

70. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, shall, as against the board, be converted into a claim to or upon the compensation or to or upon a like proportion thereof and it shall be responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1950, c. 348, s. 18. Compensation awarded to stand in the stead of land taken

71. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. R.S.O. 1950, c. 348, s. 19. Compensation to be determined by official arbitrator Rev. Stat., c. 244

PART VII

OFFENCES AND PENALTIES

72. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 134; c. 356, s. 87; *amended*. False declaration of right to vote

73. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or incontinent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 141; c. 165, s. 67; c. 356, s. 91; *amended*. Disturbances

Refusal
to serve

74.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a penalty of \$25.

Failure to
perform
duties

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25.

Acting
while dis-
qualified

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1950, c. 316, ss. 135, 136; c. 165, s. 69; c. 356, ss. 92, 93; *amended*.

Failure to
transmit
minutes

75. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 142; c. 356, s. 94; *amended*.

Information
to auditors

76. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25, but no member shall be liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1950, c. 316, s. 147; c. 165, s. 74; c. 356, s. 97; *amended*.

False
reports and
registers

77. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 150; c. 165, s. 75; c. 356, s. 99; *amended*.

Failure to
call school
meeting

78. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 152, *amended*.

School maps

79.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for

Rev. Stat.,
c. 316

one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. R.S.O. 1950, c. 316, s. 151, *amended*.

(2) If a county clerk neglects or refuses to prepare the map ^{Idem} of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act, 1954*, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$25. *New.* ^{1954, c. 87}

80.—(1) A treasurer, secretary or secretary-treasurer, or ^{Delivery up of books and money} a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge of the county or district ^{Summons for appearance} court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court, upon being required so ^{Service of summons} to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

(4) At the time and place so appointed, the judge, if ^{Order to account} satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the ^{Effect of non-compliance with judge's order} judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge
on comply-
ing with
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1950, c. 316, ss. 144, 145; c. 165, s. 73; c. 356, s. 96.

Compelling
delivery of
books,
money, etc.,
on dis-
solution of
school cor-
poration

81.—(1) Section 80 applies to the case of any person who has in his possession any books, paper, chattel or money which came into his possession as secretary, or treasurer, or member, or otherwise, of a board which has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 80, and that section shall *mutatis mutandis* apply.

Application
of subs. 1

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1950, c. 316, s. 146, *amended*.

No
inspector,
trustee,
teacher, etc.,
to act as
agent for
the sale of
books, maps,
etc.

82.—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution which is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution afore-said or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. R.S.O. 1950, c. 94, s. 16 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty} of an offence and on summary conviction is liable, if he is a teacher to a penalty of not more than \$50, if he is a trustee to a penalty of not more than \$100, if he is an inspector to a penalty of not more than \$500 and if he is any other person so officially connected to a penalty of not more than \$100. R.S.O. 1950, c. 94, s. 16 (2), *amended*.

(3) Any person, firm or corporation and any agent of a ^{Penalty} person, firm or corporation who employs a teacher, trustee, ^{against} inspector or any other person officially connected with the ^{business,} Department or with any elementary or secondary school or ^{firm or} with any teachers' college or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. R.S.O. 1950, c. 94, s. 16 (3), *amended*.

(4) Any gift or payment made to a teacher, trustee, ^{Gifts, etc.,} inspector or other person so officially connected by any ^{to be} person, firm or corporation interested either as principal ^{prima facie} or agent in any such sale is *prima facie* evidence of a violation of this section.

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent ^{Consent of} of the Attorney-General or the Deputy Attorney-General. ^{Attorney-General to prosecution}

(6) This section does not apply to sales made by a trustee ^{Sale in} who is a merchant or bookseller in the ordinary and regular ^{ordinary} course of his business as such and made at his shop or place ^{course of} of business. ^{business} R.S.O. 1950, c. 94, s. 16 (4, 7, 8). ^{excepted}

PART VIII

MISCELLANEOUS

83.—(1) Nothing in section 34 affects any pension plan ^{Saving} heretofore established and approved by the Minister under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. ^{Rev. Stat. cc. 165, 316, 356}

(2) Nothing in section 35 affects any sick leave credit plan ^{Idem} heretofore established and approved by the Minister under

section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem (3) Nothing in section 36 affects any retirement allowance heretofore granted under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*.

Repeal **84.** The following are repealed:

- | | |
|-----------------------|---|
| Rev. Stat.,
c. 6 | 1. <i>The Adolescent School Attendance Act.</i> |
| Rev. Stat.,
c. 29 | 2. <i>The Auxiliary Classes Act.</i> |
| 1952, c. 4 | 3. <i>The Auxiliary Classes Amendment Act, 1952.</i> |
| Rev. Stat.,
c. 347 | 4. <i>The School Attendance Act.</i> |
| Rev. Stat.,
c. 348 | 5. <i>The School Sites Act.</i> |
| 1951, c. 82 | 6. <i>The School Sites Amendment Act, 1951.</i> |
| 1953, c. 96 | 7. <i>The School Trustees' and Teachers' Boards of Reference Act, 1953.</i> |

Commence-
ment **85.** This Act comes into force on the day it receives Royal Assent.

Short title **86.** This Act may be cited as *The Schools Administration Act, 1954*.

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The Secondary Schools and Boards of Education Act, 1954

Statutes of Ontario, 1954

CHAPTER 87



TORONTO

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1954

PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act, 1954

*The Public Schools Act

The Schools Administration Act, 1954

*The Secondary Schools and Boards of
Education Act, 1954

*The Separate Schools Act

The Ontario School Trustees' Council Act, 1953

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Secondary Schools and Boards of Education Act, 1954

Statutes of Ontario, 1954

CHAPTER 87

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpreta-
tion

- (a) "adjoining" means touching at any point; *New*.
- (b) "continuation school district" means the property liable to assessment and taxation for the purposes of a continuation school; R.S.O. 1950, c. 66, s. 1, cl. (a).
- (c) "county judge" or "judge" means the senior judge of the county or district court of the county or district in which a secondary school district is situated, and where the secondary school district is situated in two or more counties or districts, the senior judge of the county or district court of the county or district having the largest population within the secondary school district; or, if he is a member of the high school board or is unable to act or is disqualified, means the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, means the senior judge of the county or district court of the adjoining county or district which has the largest population; R.S.O. 1950, c. 165, s. 1 (1), cl. (b), *amended*.
- (d) "Department" means Department of Education; R.S.O. 1950, c. 165, s. 1 (1), cl. (d).
- (e) "equalized assessment" means the total of the assessment of the real property of a municipality, as equal-

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ized by the county council under *The Assessment Act*, and the business assessments of that municipality; 1951, c. 32, s. 1 (1).

- (f) "high school" includes collegiate institute; R.S.O. 1950, c. 165, s. 1 (1), cl. (f); c. 38, s. 1, cl. (a).
- (g) "high school district" means the area in which a high school board has jurisdiction; R.S.O. 1950, c. 165, s. 1 (1), cl. (g), *amended*; c. 38, s. 1, cl. (b), *amended*.
- (h) "maintenance" includes repairs to the teacher's residence, the school buildings, administrative buildings, outbuildings, gymnasias, and other buildings or fixtures for the purpose of carrying on school activities, fences and school furniture; altering the system of heating or ventilation; erection of fences; improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension plan for the benefit of officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board; other expenses for ordinary school purposes, and for annual additions to the library, apparatus and other equipment; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils; R.S.O. 1950, c. 66, s. 1, cl. (c), *amended*; c. 165, s. 1 (1), cl. (h); 1952, c. 36, s. 1(1), *amended*.
- (i) "Minister" means Minister of Education; R.S.O. 1950, c. 38, s. 1, cl. (c); c. 66, s. 1, cl. (d); c. 165, s. 1 (1), cl. (i); c. 413, s. 1, cl. (c).
- (j) "municipality" means city, town, village or township, and does not include county; R.S.O. 1950, c. 66, s. 1, cl. (e), *amended*; c. 165, s. 1 (1), cl. (j), *amended*.
- (k) "perfect aggregate attendance" of pupils for a calendar year is the number calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of pupils registered at the school during the calendar year and deducting therefrom the number representing the number of pupil-days' non-attendance caused by,

- (i) deaths,
 - (ii) late registrations owing to transfer or age of pupils,
 - (iii) termination of registrations owing to transfer or age of pupils,
 - (iv) expulsions, and
 - (v) exclusions; R.S.O. 1950, c. 165, s. 1 (1), cl. (d), *amended*; c. 413, s. 1, cl. (d), *amended*.
- (l) "permanent improvements" includes the purchase or rental of a teacher's residence or of a school site, the erection or rental of school buildings and administration buildings, the enlargement of any of them, the erection of outbuildings and gymnasias and other buildings or fixtures for the purpose of carrying on school activities, the purchase of school furniture, library, apparatus and other equipment; initial payments or contributions to a pension scheme for officers and other employees of the board; R.S.O. 1950, c. 66, s. 1, cl. (g), *amended*; c. 165, s. 1 (1), cl. (n), *amended*.
- (m) "regulations" means regulations made under *The 1954, c. 20 Department of Education Act, 1954*; R.S.O. 1950, c. 66, s. 1, cl. (h), *amended*; c. 165, s. 1 (1), cl. (n), *amended*; c. 413, s. 1, cl. (e), *amended*.
- (n) "secondary school" means continuation, high or vocational school;
- (o) "secondary school district" means continuation or high school district; *New*.
- (p) "secretary" and "treasurer" include a secretary-treasurer; R.S.O. 1950, c. 38, s. 1, cl. (e).
- (q) "separated town" means a town separated for municipal purposes from the county in which it is situated;
- (r) "urban municipality" means city, town or village. R.S.O. 1950, c. 165, s. 1 (1), cls. (p, q).

(2) Where reference is made in this Act to the population ^{Population} of a county or municipality or a portion thereof, the population shall be determined by reference to the last revised assessment roll of the municipality or municipalities concerned, and the certificate of the clerk of a municipality with respect

to such population or number shall be conclusive. R.S.O. 1950, c. 165, s. 1 (2, 3), *amended*.

Resident
pupils

(3) A person is a resident pupil with respect to a secondary school district,

- (a) if he resides with his parent or guardian in the secondary school district; or
- (b) if he or his parent or guardian is assessed in the secondary school district for an amount equal to the average assessment of the ratepayers in the district,

but a person is not a resident pupil under clause *a* if he resides with his parent or guardian on land which is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. R.S.O. 1950, c. 66, s. 1, cl. (i), *amended*; c. 165, s. 1 (1), cl. (o), *amended*; c. 413, s. 1, cl. (f), *amended*.

County
pupils

(4) A person is a county pupil of a county,

- (a) if he resides with his parent or guardian in that part of the county that is not within a secondary school district; or
- (b) if he or his parent or guardian is assessed in the part of the county that is not within a secondary school district for an amount equal to the average assessment of the ratepayers in the part of the county that is not within a secondary school district,

but a person is not a county pupil under clause *a* if he resides with his parent or guardian on land which is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in a municipality in the county. R.S.O. 1950, c. 66, s. 1, cl. (b), *amended*; c. 165, s. 1 (1), cl. (c), *amended*; c. 413, s. 1, cl. (b), *amended*.

PART I

CONTINUATION SCHOOLS

Establish-
ment by one
board

2.—(1) Subject to the approval of the Minister first being obtained, a public or separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers.

(2) A continuation school established under subsection 1 ^{Board} shall be under the control and management of a board composed of the members of the board by which it is established, and the board shall be a corporation by the name of "The Board of Trustees of the Continuation School of". R.S.O. 1950, c. 66, s. 3 (1), *amended*.

(3) Subject to the approval of the Minister first being ^{Establishment by two or more boards} obtained, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards.

(4) An agreement under subsection 3 shall specify the ^{Agreement} proportion of the cost of the establishment and maintenance of the continuation school to be levied on the property liable to assessment and taxation for the purposes of each of the boards concerned or shall provide for the manner in which such proportion shall be determined. R.S.O. 1950, c. 66, s. 3 (4), *amended*.

(5) A continuation school established under subsection 3 ^{Board} shall be under the control and management of a board composed of such number of the members of each of the boards by which it is established, not exceeding two-thirds of the members of any such board, as the agreement provides, and the board shall be a corporation by the name of "The Board of Trustees of the Continuation School of" (*inserting a name selected by the board and approved by the Minister*).

(6) Each of the boards by which a continuation school is ^{Time for appointments} established under subsection 3 shall make its appointments to the continuation school board at its first regular meeting in each year. R.S.O. 1950, c. 66, s. 3 (5, 6), *amended*.

(7) An agreement under subsection 3 may be amended from ^{Amendment of agreement} time to time by further agreements among the boards concerned with respect to,

(a) the apportionment of the cost of the establishment and maintenance of the continuation school or the manner in which the apportionment shall be determined; and

(b) the number of members of each of the boards concerned who shall be members of the continuation school board. *New*.

(8) In addition to the members of the continuation school ^{County appointments to board} board provided for under subsection 2 or 4,

- (a) where the whole of a continuation school district is within one county, the council of the county may appoint one member who shall hold office for one year; and
- (b) where the continuation school district comprises parts of two or more counties, the council of each such county may appoint one member who shall hold office for one year.

Qualifications

- (9) Any ratepayer of a municipality in a county who,
- (a) resides in the county, whether or not he resides in the continuation school district;
 - (b) is a British subject;
 - (c) has attained the age of twenty-one years; and
 - (d) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,

is qualified to be appointed as a member of the continuation school board by the council of the county. R.S.O. 1950, c. 66, s. 3 (10), *amended*.

Continuation school prohibited in high school district

3.—(1) A continuation school shall not be established or maintained in any part of a high school district. R.S.O. 1950, c. 66, s. 7 (1), *amended*.

Overlapping high and continuation district boundaries

(2) Where a high school district includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. R.S.O. 1950, c. 66, s. 7 (3), *amended*.

Taxation

4.—(1) Subject to section 5, all sums required for the support of a continuation school, after deducting the revenues derived from legislative grants, any county or other municipality, fees, and from all other sources, shall be provided for by levies,

- (a) where the school is established by one or more public school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections;
- (b) where the school is established by a separate school board, on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board;

- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections and on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards. R.S.O. 1950, c. 66, s. 5 (1), *amended*.

(2) Where the board of a union school section establishes a continuation school by itself or by agreement with another board or boards, the council of each municipality which, or part of which, is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining the continuation school according to the equalized assessment, as provided by *The Public Schools Act*, of the part of the union school section situated in the municipality. R.S.O. 1950, c. 66, s. 3 (8), *amended*.

Apportionment of cost in union school section
Rev. Stat., c. 316

(3) A continuation school board shall prepare and submit to the municipal council or councils liable under this Act, on or before the date prescribed by the council or councils, estimates for the current year of all sums required to be provided by the council or councils to meet expenditures for the continuation school and for the payment of fees of resident pupils attending secondary schools outside the continuation school district which they have the right to attend as resident pupils, and such estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. R.S.O. 1950, c. 66, s. 5 (2), *amended*.

Estimates

5.—(1) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1 of section 2, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, then at the option of the township council and subject to the approval of the Minister,

Board and maintenance where township school area absorbs continuation school

- (a) the members of the township school area board shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area; or

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c. 316

(b) trustees shall be elected annually for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and the continuation school board shall be composed of,

(i) where only one former school section is absorbed, three trustees, and

(ii) where two or more former school sections are absorbed, two trustees from each such former school section,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections. R.S.O. 1950, c. 66, s. 3 (12), *amended*.

Idem

(2) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 3 of section 2 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,

(a) the members of the township school area board and two members appointed by each separate school board which is a party to the agreement shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards; or

(b) trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by the separate school board or boards, and the continuation school board shall be composed of,

(i) two trustees to be elected annually from each former school section so absorbed, and

(ii) two trustees to be appointed annually from among its members by each separate school board which is a party to the agreement,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards. R.S.O. 1950, c. 66, s. 3 (13), *amended*.

(3) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, whether in conjunction with one or more separate school boards or not, trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by each separate school board which is a party to the agreement, and the continuation school board shall be composed of,

Where all school sections not absorbed

Rev. Stat., c. 316

- (a) two trustees to be elected annually from each former school section so absorbed;
- (b) two trustees to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area;
- (c) two trustees to be appointed annually from among its members by each separate school board which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (14), *amended*.

(4) Notwithstanding subsection 3, where the school section in which the continuation school was established by agreement under subsection 3 of section 2 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,

Where section in which school established not absorbed

- (a) one trustee to be elected annually by the electors of each former school section which is a party to the agreement and is absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees;
- (b) two trustees to be appointed annually from among its members by the board of the school section which is a party to the agreement and in which the continuation school is situated;

- (c) one trustee to be appointed annually from among its members by the board of each other school section which is a party to the agreement and is not absorbed in the township school area; and
- (d) one trustee to be appointed annually from among its members by each separate school board, if any, which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (15), *amended*.

Cost of
maintenance

(5) Where the continuation school board is constituted as provided in subsection 3 or 4, the cost of maintaining the continuation school shall be provided by levies,

- (a) on the property liable to assessment for public school purposes in each school section which is a party to the agreement and is not absorbed in the township school area;
- (b) on the property liable to assessment for public school purposes in each former school section which is a party to the agreement and is absorbed in the township school area;
- (c) on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of each separate school board, if any, which is a party to the agreement. R.S.O. 1950, c. 66, s. 3 (17, 18), *amended*.

Elections

(6) Where the township council decides that the continuation school board shall be composed as provided in clause *b* of subsection 1, clause *b* of subsection 2, or subsection 3 or 4,

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the electors of each former school section absorbed in the township school area for the purpose of electing one or more trustees, as the case requires, from each such former school section who shall hold office for one year;
- (b) the cost of such elections shall be borne by the continuation school board; and
- (c) upon a trustee being elected under clause *a*, the chairman of the meeting at which the trustee was elected shall notify the secretary of the continuation school board of the name of the trustee. R.S.O. 1950, c. 66, s. 3 (16), *amended*.

6.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the board by which it was established. R.S.O. 1950, c. 66, s. 4 (1). ^{Dissolution of continuation school}

(2) Subject to the approval of the Minister, the board of a continuation school established by agreement under subsection 3 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement or as may be agreed upon among the boards concerned. R.S.O. 1950, c. 66, s. 4 (2), *amended*. ^{Idem}

(3) Where the board of a continuation school ceases to operate the school but does not pass a resolution dissolving the school under subsection 1 or 2, the Minister on the report of the inspector concerned may direct the dissolution of the school as of the 31st day of December in the year in which the school is closed, and the board shall be deemed to have passed a resolution under subsection 1 or 2, as the case may be, with the approval of the Minister, dissolving the school as of that date. *New*. ^{Idem}

(4) Where a continuation school district is absorbed into a high school district, the continuation school shall be dissolved as of the date of the absorption, and the high school board and the board or boards by which the continuation school was maintained shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to, ^{Where continuation school district absorbed as part of high school district}

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board.

(5) The secretary of the high school board of the district in which the former continuation school was located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 4, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister. ^{Arbitration and report}

(6) If the high school board, or any board by which the continuation school was maintained, or any municipality ^{Appeal}

concerned, disputes the award of the arbitrators, the board or municipality shall refer the matter to the county judge whose decision shall be final.

Board to
continue to
function

(7) For the purpose of this section, the members of the continuation school board in office at the date of the dissolution shall continue to function as a continuation school board until,

(a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or

(b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 4 and the assets, liabilities and property of the board have been disposed of in accordance with the award or decision.

Audit

(8) Where a board continues to function under subsection 7, the accounts of the board shall be subject to audit in the same manner as before the dissolution. 1951, c. 14, s. 1.

Powers of
continuation
school board

7.—(1) A continuation school board shall have, in respect of the continuation school, all the powers conferred on public or separate school boards as to acquiring school sites, erecting buildings and additions to buildings, and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools. R.S.O. 1950, c. 66, s. 3 (2, 7), *amended*.

Application
of Rev. Stat.,
c. 316

(2) Such of the provisions of *The Public Schools Act* as are applicable and are not inconsistent with this Part shall be read as part of this Part. R.S.O. 1950, c. 66, s. 14, *amended*.

PART II

HIGH SCHOOLS

Minimum
size of
districts

8.—(1) No high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 4 of section 12, or is on an island or in a territorial district. R.S.O. 1950, c. 165, s. 6 (1), *amended*.

County
school
maps

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the

boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year. R.S.O. 1950, c. 165, s. 6 (2).

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 15th day of January next following the passing of the by-law, to,

- (a) the Minister;
- (b) the secretary of the board of the new district or of the district of which the boundaries are altered; and
- (c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. R.S.O. 1950, c. 165, s. 6 (3), *amended*.

9. Whenever a high school district has existed in fact for three months or more before the 1st day of May, 1954, and whether it has been formed in accordance with the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. R.S.O. 1950, c. 165, s. 3, *amended*.

10. In sections 11 to 14, "adjoining" means touching at any point, and,

- (a) where more than two counties are concerned, they shall be deemed to be adjoining if each county adjoins one of the other counties; and
- (b) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district. 1952, c. 36, s. 2.

11.—(1) Subject to subsection 2, every city and separated town is a high school district.

Discontin-
uance of
district

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and,

(a) provide for the inclusion of the city or separated town in a new high school district; or

(b) provide for the addition of the city or separated town to an existing high school district. R.S.O. 1950, c. 165, s. 9 (1, 2), *amended*.

Increasing
district

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town be added to the high school district of the city or separated town. R.S.O. 1950, c. 165, s. 9 (3).

Establish-
ment and
discontin-
uance of
districts

12.—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other districts or include such municipalities or parts in one or more new districts. R.S.O. 1950, c. 165, s. 5 (1); 1952, c. 36, s. 3 (1).

In terri-
torial
districts

(2) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district. R.S.O. 1950, c. 165, s. 5 (2).

In unorgan-
ized
territory

(3) The Lieutenant-Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district. 1952, c. 36, s. 3 (2).

On exempt
land

(4) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a high school district, and may appoint as members

of the board such persons as he may deem proper, and the board so appointed shall be a corporation by the name indicated in the order establishing the high school district, and shall have all the authority of a board of high school trustees for the purposes of this Act. 1952, c. 36, s. 3 (3), *amended*.

(5) The clerk of the municipality shall call the first meeting of a new board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district shall call the first meeting. R.S.O. 1950, c. 165, s. 5 (4). First meet-
ing of new
board

13.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situated within the county or counties and adjoining the high school district shall be added to the high school district. Enlargement
of districts

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities. R.S.O. 1950, c. 165, s. 7 (1, 2). In terri-
torial
districts

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of the district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 7 (3), *amended*. Assets and
liabilities

14.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached. R.S.O. 1950, c. 165, s. 8 (1), *part*. Decreasing
districts

(2) Where a municipality or part of a municipality is detached from a high school district under subsection 1, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts Rates for
debt

incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 8 (2), *amended*.

Conditions
re by-laws

15.—(1) No by-law,

- (a) passed under subsection 1 of section 12 establishing a new high school district, by which a city or separated town is included in the high school district; or
- (b) passed under subsection 1 of section 13 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 2 of section 11.

Idem

(2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 13. R.S.O. 1950, c. 165, s. 10.

Assets and
liabilities
of dis-
continued
boards

16. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided by the by-law or by-laws discontinuing the high school district or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1950, c. 165, s. 11, *amended*.

Continuance
of board for
disposition
of assets and
liabilities

17. Where a high school district is discontinued, enlarged or decreased, the members of the board in office at the date of the discontinuance, enlargement or decrease shall continue to function as a high school board for the purpose of the disposition of assets and liabilities until such assets and liabilities have been disposed of as provided by the by-law or by-laws discontinuing, enlarging or decreasing the district or by a subsequent by-law or by-laws passed with the approval of the Minister, and the accounts of the board shall be subject to audit in the same manner as before the discontinuance, enlargement or decrease. *New*.

18. A by-law under section 11, 12, 13 or 14 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following its passing unless otherwise provided therein. R.S.O. 1950, c. 165, ss. 5 (3), 7 (4), 8 (1) *part*, 9 (4). Time of passing and effective date of by-laws re districts

19.—(1) Any ratepayer of a municipality which, or any part of which, is included in a high school district who, Qualification of members

- (a) is assessed in the high school district;
- (b) is a British subject;
- (c) has attained the age of twenty-one years;
- (d) resides in the high school district or within five miles of the boundaries thereof; and
- (e) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,

is qualified to be a member of the high school board of the district.

(2) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is qualified under clauses *b*, *c* and *e* of subsection 1 is qualified to be a member of the high school board. County appointees

(3) A person is not eligible to be appointed as a trustee or to sit or vote as a member of the high school board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which he qualifies is overdue or unpaid at the time of his appointment, but this subsection does not disqualify a person who is a tenant of such property if the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. R.S.O. 1950, c. 165, s. 16, *amended*. Non-payment of taxes

20.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows: Appointment of trustees by municipalities

- (a) Where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year.

(b) Where the district comprises two municipalities,

- (i) the council of a municipality having a population within the district of 3,000 or more shall appoint three trustees, and
- (ii) the council of a municipality having a population within the district of less than 3,000 shall appoint two trustees,

one of whom in each case shall retire each year.

(c) Where the district comprises more than two municipalities,

- (i) the council of a municipality having a population within the district of 6,000 or more shall appoint three trustees, one of whom shall retire each year,
- (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 shall appoint two trustees, one of whom shall retire each year, and
- (iii) the council of a municipality having a population within the district of less than 3,000 shall appoint one trustee who shall hold office for two years.

Where city or separated town included in district

(2) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

Interpretation

(3) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2. R.S.O. 1950, c. 165, s. 18.

District composed of city or separated town

(4) Where a high school district comprises only a city or separated town, the council of the city or separated town shall appoint six trustees, two of whom shall retire each year. R.S.O. 1950, c. 165, s. 20, *amended*.

Order of retirement

(5) The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1950, c. 165, s. 22.

21.—(1) Where the whole of a high school district is within one county, the council of the county may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year. County appointments

(2) Where a high school district comprises two or more counties or parts thereof, Idem

(a) the council of the county having the largest population within the district may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year; and

(b) the council of any other county within or partly within the district may, at the request of the board, appoint one trustee who shall hold office for one year. R.S.O. 1950, c. 165, ss. 18 (4), 19 (1, 2), *amended*.

(3) Upon the appointment of three trustees by a county council, the council shall provide for the order of their retirement, and upon the withdrawal of a request for the appointment of three trustees, the council shall determine which one of the three trustees appointed by it, other than the one whose term of office expires at the end of the year in which the request is withdrawn, shall remain in office for the succeeding year. R.S.O. 1950, c. 165, s. 19 (3, 4), *amended*. Retirement

22.—(1) Where one separate school board operates a separate school situated in a high school district, the separate school board may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. Separate school appointments

(2) Where two or more separate school boards operate separate schools situated in a high school district, the separate school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the separate school inspector, may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1950, c. 165, s. 23, *amended*. Idem

23.—(1) Where one public school board operates a public school situated in a high school district, the public school board may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. Public school appointments

Idem

(2) Where two or more public school boards operate public schools situated in a high school district, the public school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. R.S.O. 1950, c. 165, s. 24 (1, 2), *amended*.

Special case

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where,

(a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and

(b) the average attendance of pupils below grade 9 for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the high school board one trustee who shall not be a member of the board of education and who shall hold office for one year. R.S.O. 1950, c. 165, s. 24 (3).

Board and assessment in district in unorganized territory

24. Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board, and the cost of operating the high school or high schools under the jurisdiction of the board shall be levied on all the property in the high school district rateable for school purposes, and the provisions of sections 46 to 49 of *The Public Schools Act* shall apply *mutatis mutandis*. R.S.O. 1950, c. 165, s. 18 (6), *amended*.

Rev. Stat., c. 316

Trustees where district enlarged or decreased

25. Where a high school district is enlarged or decreased, the members of the board shall cease to hold office at the end of the year in which the by-law is passed, and new trustees shall be appointed as if the enlarged or decreased district were a new district. R.S.O. 1950, c. 165, s. 18 (5), *amended*.

Corporation: name

26.—(1) Where a high school district comprises one municipality, the trustees shall be a corporation by the name of "The High School Board of the of " or "The Collegiate Institute Board of the of " (*inserting the classification and name of the municipality*).

Idem

(2) Where a high school district comprises more than one municipality, the trustees shall be a corporation by the name

of "The District High School Board" or "The District Collegiate Institute Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1950, c. 165, s. 2 (1, 2).

27.—(1) High school trustees shall hold office until their successors are appointed and a new board is organized. ^{Term of office} R.S.O. 1950, c. 165, s. 2 (3), *amended*.

(2) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the calendar year before the board is to be organized and the trustees shall take office on the 1st day of January in the following year. ^{Time for appointments of trustees}

(3) Vacancies arising from the annual retirement of trustees shall be filled at the last regular meeting of the appointing body in the calendar year and the trustees shall take office on the 1st day of January in the following year. ^{Idem}

(4) Where an appointing body fails to appoint a trustee as provided in subsection 2 or 3, it shall make the appointment at its next regular meeting. ^{Idem}

(5) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1950, c. 165, s. 25 (1-3). ^{Vacancies}

(6) A trustee may resign by giving written notice thereof to the secretary of the board. *New*. ^{Resignation}

28.—(1) Every high school board shall provide adequate accommodation for its pupils and shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional high or vocational schools as the board may deem necessary and, subject to section 29, may provide for the location, erection, maintenance and management of the schools so established. R.S.O. 1950, c. 165, s. 12 (1). ^{Establishment and maintenance of schools}

(2) Notwithstanding subsection 1, the board of a high school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils. R.S.O. 1950, c. 165, ss. 12 (2), 30 (2), *amended*. ^{Exceptions}

Where no
school
maintained

(3) If the board of a high school district in a county fails to operate a school for a period of two years and has not entered into an agreement under subsection 2, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. R.S.O. 1950, c. 165, s. 12 (3), *amended*.

Debentures
for perman-
ent improve-
ments

29.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application
by board
to council

(2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid

Council to
deal with
application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of
debentures

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the high school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

Rev. Stat.,
c. 243

Submission
of applica-
tion to rate-
payers

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, in the manner provided by *The Municipal Act* in the case of a money by-law.

When vote
favourable

(6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situated shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act*, but without submitting the by-law to the electors.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors. Assent of electors not required

(8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*. Terms of debentures
Rev. Stat., c. 243

(9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8. Interpretation
R.S.O. 1950, c. 165, s. 48.

30.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 29 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 33 shall apply except that each municipality shall pay its proportion to the county council. Request for county to issue debentures

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 29 shall apply. Consideration by county council

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. 1951, c. 32, s. 7. Where county must comply

31. Where a municipality has raised money for the purposes of a high school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. Payment to school boards
R.S.O. 1950, c. 165, s. 52 (1), *amended*.

Estimates

32.—(1) Every high school board shall prepare and submit to each municipal council liable under this Act, on or before such times as the council prescribes, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils attending secondary schools outside the high school district which they have the right to attend as resident pupils, and such estimates,

- (a) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and
- (b) may include such additional sum as may be deemed expedient for permanent improvements to be made during the year;

Rev. Stat.,
c. 96

but the board of a high school district which includes a municipality that is subject to Part III of *The Department of Municipal Affairs Act*, or a part thereof, and that is unable to obtain the approval of the Ontario Municipal Board to the issue of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned. R.S.O. 1950, c. 165, s. 28, cl. (m); 1952, c. 36, s. 4.

Rates for
current
purposes

(2) The council or councils of the municipality or municipalities which or part of which is or are included in a high school district shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and
- (c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in section 33 with respect to liability for debenture debt. R.S.O. 1950, c. 165, s. 49.

33.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. <sup>Proportion-
ate liability
for debenture
debt</sup>

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. ^{Idem}

(3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. R.S.O. 1950, c. 165, s. 50 (1-3). ^{Idem}

(4) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1951, c. 32, s. 8. <sup>Time for
payments</sup>

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, <sup>Assumption
of larger
proportion</sup>

2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

Request for
arbitration

(6) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration.

Arbitrators

(7) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear. R.S.O. 1950, c. 165, s. 50 (4-6).

Designation
of assessor

(8) For the purpose of subsection 7, where there is more than one assessor in any municipality, the council thereof shall name one of them to be the arbitrator for the municipality. 1952, c. 36, s. 5.

Notification
of decision

(9) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered letter.

Costs

(10) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision.

Reference to
Municipal
Board where
decision
objected to

(11) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final. R.S.O. 1950, c. 165, s. 50 (7-9).

Considera-
tions in
determining
liability

(12) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their view should be considered in order to result in an equitable apportionment of liability. *New.*

(13) The decision of the arbitrators, or if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of five years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent in any two consecutive years. R.S.O. 1950, c. 165, s. 50 (10), *amended*. Effect of decision

(14) Where the matter is referred to the Ontario Municipal Board, the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs

(15) Nothing in section 29 or in this section shall prevent the municipality in which the high school is situated from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1950, c. 165, s. 50 (11, 12). Municipality may assume full cost of permanent improvements

34.—(1) A high school board may establish summer schools and classes. R.S.O. 1950, c. 165, s. 28, cl. (c), *amended*. Summer schools

(2) The board of a high school district which comprises two or more municipalities or parts thereof may, Borrowing and trustee allowances

(a) if necessary to provide for the payment of current operating costs, borrow on the promissory note of the board under its corporate seal, at interest not exceeding 8 per cent per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received;

(b) pay to each trustee a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any year. R.S.O. 1950, c. 165, s. 28, cl. (r), s. 29 (2), *amended*.

35.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality. R.S.O. 1950, c. 165, s. 33 (1). High school property vested in trustees

Power to
sell, lease,
etc.

(2) Subject to the approval of the Minister, the board shall have full power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.

Notice to
Minister

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. 1951, c. 32, s. 4.

Appointment
of inspectors

36.—(1) Where a high school board employs 150 or more teachers, the board, subject to the approval of the Minister, may appoint one or more secondary school inspectors.

Idem

(2) The appointment of an inspector by a board shall be subject to ratification by the Minister and, if not so ratified within one year after he enters upon his duties, his engagement shall terminate at the end of that period and the board shall appoint another inspector in his place.

Jurisdiction
and duties
of inspectors

(3) Where more than one inspector is appointed by a board, the board may, subject to the approval of the Minister,

(a) designate one of the inspectors to be chief inspector;

(b) define the limits of the inspectorate of each inspector;

(c) assign to the chief inspector and to each inspector such duties, in addition to those prescribed by the regulations, as the board may deem expedient.

Suspension
or removal
by Minister

(4) An inspector appointed by a board may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

Suspension
by board

(5) A board may suspend an inspector appointed by it for neglect of duty, misconduct, inefficiency or physical infirmity and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office, and the decision of the Minister shall be final.

Salary
during
suspension

(6) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just.

(7) A board shall not appoint as an inspector any person ^{Qualifica-} who is not qualified as prescribed by the regulations or who has been removed from the office of inspector by the Minister.

(8) Except with the approval of the Minister, an inspector ^{Restrictions} shall not accept any other office or employment and may ^{on employ-} not follow any other profession or calling during his tenure of office as an inspector. *New.*

PART III

VOCATIONAL SCHOOLS

37. In this Part, "board" means high school board or ^{Interpreta-} board of education. R.S.O. 1950, c. 413, s. 1, cl. (a).

38.—(1) Subject to the approval of the Minister, a board ^{Establish-} may establish and maintain a vocational school. ^{ment of}

(2) Subject to the approval of the Minister, a vocational ^{Courses} school under this Part may provide, ^{of study}

(a) full-time day courses of study;

(b) part-time day courses of study;

(c) evening courses of study. R.S.O. 1950, c. 413, ss. 3, 4, *amended.*

(3) A board which has established a vocational school may ^{Special} establish special vocational schools or classes for the purpose ^{vocational} of providing vocational education for pupils of thirteen years ^{schools and} of age and over who have been in attendance in auxiliary ^{classes} classes or who are eligible for admission to such classes. *New.*

39.—(1) Upon the recommendation of the vocational ^{Admission} school principal and with the approval of the advisory com- ^{of pupils,} mittee, pupils who have successfully completed grade 7 at ^{to pre-} an elementary school may be admitted to any pre-vocational ^{vocational} school course of study at a vocational school. R.S.O. 1950, ^{school} c. 413, s. 5 (2). ^{courses}

(2) Subject to the regulations, pupils of thirteen years of ^{to special} age and over who have been in attendance in auxiliary classes, ^{vocational} or who are eligible for admission to such classes, may, on the ^{schools and} recommendation approved by the Minister of an examining ^{classes} board constituted by the Minister for the purpose, be admitted to special vocational schools or classes.

- Idem (3) Subject to the regulations, a resident pupil,
- 1954, c. 86 (a) who is required to attend school under *The Schools Administration Act, 1954*; and
- (b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,
- may be required by the school board to attend any such special vocational school or class. 1952, c. 111, s. 2, *amended*.
- Admission of adults (4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,
- (a) to a special full-time day course of study;
- (b) to a part-time day course of study; or
- (c) to an evening course of study. R.S.O. 1950, c. 413, s. 5 (4).
- Transfer from pre-vocational courses (5) Where a pupil has,
- (a) attended pre-vocational school classes in a vocational school for at least one year; and
- (b) made progress in his course of study satisfactory to the principal,
- he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1950, c. 413, s. 5 (6), *amended*.
- Advisory vocational committee 40.—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of an advisory vocational committee appointed by the board. R.S.O. 1950, c. 413, s. 6.
- Composition (2) The committee shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board.
- Idem (3) When the number of members is eight, the committee shall be composed of,
- (a) the chairman and three other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of

the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and three other members of the board, including a representative, if any, appointed by the separate school board and one of the representatives, if any, appointed by the county council or councils;

- (b) two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

(4) When the number of members is twelve, the committee *Idem* shall be composed of,

- (a) the chairman and five other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and five other members of the board, including a representative, if any, appointed by the separate school board and one of the representatives, if any, appointed by the county council or councils;
- (b) three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district. R.S.O. 1950, c. 413, s. 7, *amended*.

(5) Where,

- (a) a public school board, a separate school board or a county, which has the right to appoint a representative to a high school board, fails to make its appoint-

Where
appointing
body fails
to make
appoint-
ment

ment for any year before the 1st day of February in that year; or

- (b) a separate school board or a county, which has the right to appoint a representative to a board of education, fails to make its appointment for any year before the 1st day of February in that year,

the high school board or board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on the committee and each member so appointed shall hold office until the end of the year in which he is appointed. R.S.O. 1950, c. 413, s. 8, *amended*.

Appoint-
ment of
members

41.—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed.

Tenure of
office

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board.

Idem

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Vacancies

(4) The board, at its first meeting in each year after the establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Idem

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of the quorum shall be necessary to bind a committee.

Chairman
voting

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 413, s. 9.

42.—(1) The advisory vocational committee may, in any year at a meeting which has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it may deem necessary. Co-opted members

(2) In the appointment of co-opted members, an equal Idem number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 40 or in clauses *b* and *c* of subsection 4 of section 40, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.

(3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1950, c. 413, s. 10, *amended*. Term of office

43. The members of the advisory vocational committee, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or schools under the charge of the committee. R.S.O. 1950, c. 413, s. 11. Qualifications of members

44.—(1) Subject to the approval of the Minister and the board, the advisory vocational committee may provide a suitable site and building and suitable equipment or arrange for conducting a school in an elementary or secondary school building or other building in the high school district, and define courses of study. R.S.O. 1950, c. 413, s. 12 (1), *amended*. Powers of committee

(2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school under its management and control. Other powers

(3) The board shall not refuse its approval of any report of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose. When approval withheld

(4) The secretary and other officers of the board shall be the officers of the committee. Officers of committee

Co-ordinating officers

(5) Subject to the approval of the Minister and the board, the committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed shall be subject to the control of the committee.

Vocational guidance officers

(6) Subject to the approval of the Minister and the board, the committee may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed shall be subject to the control of the committee. R.S.O. 1950, c. 413, s. 12 (3-7).

Estimates

45.—(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

Provision of moneys

(2) Subject to the regulations, the cost of establishing, equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of high schools. R.S.O. 1950, c. 413, s. 13 (1, 2), *amended*.

Application of Pts. II, IV, V and 1954, c. 86

46. Where not inconsistent with this Part, Parts II, IV and V and *The Schools Administration Act, 1954* shall apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1950, c. 413, s. 13 (9), *amended*.

PART IV

BOARDS OF EDUCATION

Interpretation

47. In this Part,

(a) "board of education" means a board of education established under section 49;

- (b) "union board of education" means a board to which section 61 applies. R.S.O. 1950, c. 38, s. 1, cls. (d, f), *amended*.

48.—(1) A board of education may be established in a high school district to perform the duties of a high school board for the district and the duties of a public school board for the public school section or sections situated within the boundaries of the district, and where a board of education is established,

- (a) for high school purposes, it shall be deemed to be a high school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part. *New.*

(2) Every board of education shall be a corporation and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board or a high school board.

(3) The name of a board of education which has jurisdiction in one municipality shall be "The Board of Education for the..... of" *(inserting the name of the municipality)*.

(4) The name of a board of education which has jurisdiction in more than one municipality shall be "The..... District Board of Education" *(inserting a name selected by the board and approved by the Minister)*. R.S.O. 1950, c. 38, s. 14.

49.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 2 (1).

(2) Subject to the approval of the Minister first being obtained, where a high school district which includes two or more municipalities or parts thereof comprises the same

area as one or more units of public school administration, the council of the county or the councils of the counties in which the high school district has been established shall, on or before the 1st day of July in any year, upon the receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 3 (1), *amended*.

Board in territorial district

(3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal elections and the members to be appointed shall be appointed and the board organized in accordance with this Part. R.S.O. 1950, c. 38, s. 5 (1).

Board in unorganized territory or on exempt lands

(4) Where a high school district has been established under subsection 3 or 4 of section 12, the Lieutenant-Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part shall apply to the board. R.S.O. 1950, c. 38, s. 4, *amended*.

By-law although district not in effect

(5) A by-law establishing a board of education may be passed notwithstanding that a union board of education exists for the district, or notwithstanding that the by-law or by-laws establishing the high school district have not come into effect in which case no high school board shall be organized. R.S.O. 1950, c. 38, ss. 2 (2), 6.

Assets, liabilities, etc.

50.—(1) Upon the organization of a board of education,

- (a) the high school board and all public school boards in the high school district are dissolved and where a union board of education exists for the district, it is dissolved;
- (b) all the property vested in such boards shall become vested in the board of education;
- (c) all debts, contracts, agreements and liabilities for which such boards were liable shall become obliga-

tions of the board of education. R.S.O. 1950, c. 38, ss. 2 (3), 3 (2) (a, b), 5 (2), 15, *amended*.

(2) Where a board of education is established,

Levies, etc.,
for board

- (a) the cost of operating the public and secondary schools under the jurisdiction of the board shall be apportioned among the municipalities within the district and shall be levied and collected *mutatis mutandis* in the manner provided in subsection 2 of section 32;
- (b) the issue of debentures for both public and secondary school purposes and the apportionment among the municipalities within the district and the levy and collection for payments under the debentures shall be governed *mutatis mutandis* by sections 29, 30 and 33,

except that levies for public school purposes shall be made only on property rateable therefor. R.S.O. 1950, c. 38, s. 3 (2), cl. (c), *amended*.

51. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. R.S.O. 1950, c. 38, s. 29.

52.—(1) Subject to section 59, where a board of education is established for one municipality, the elective members of the board shall be as follows:

Composition
of board
for one
municipality

- (a) In a city having a population of 50,000 or more, twelve members shall be elected as provided in section 54.
- (b) In a city having a population of less than 50,000, nine members shall be elected as provided in section 54.
- (c) In a town, village or township, seven members shall be elected as provided in section 54.

Separate
school
appoint-
ments

(2) In addition to the members elected under subsection 1,

(a) in a city having a population of 50,000 or more, the separate school board of the city shall appoint two members;

(b) in any other municipality, the separate school board of the municipality shall appoint one member,

in the same manner and under the same conditions as if the board of education were a high school board.

County
appoint-
ments

(3) In addition to the members elected under subsection 1, an additional member or members may be appointed by a county council or councils in the same manner and under the same conditions as if the board of education were a high school board.

Where no
separate
school
board

(4) Where there is no separate school board of the municipality, the board shall be composed of the elected members as provided in subsection 1 and the appointed members, if any, as provided in subsection 3. R.S.O. 1950, c. 38, s. 7 (1), cls. (a-e), *amended*.

Board for
more than
two munic-
ipalities

53.—(1) Where a board of education is established for two municipalities, a municipality having a population within the high school district,

(a) of less than 1,000 shall elect two members;

(b) of 1,000 but less than 3,000 shall elect three members;

(c) of 3,000 but less than 6,000 shall elect four members;

(d) of 6,000 or more shall elect five members.

Board for
more than
two munic-
ipalities

(2) Where a board of education is established for three or more municipalities, a municipality having a population within the high school district,

(a) of less than 1,000 shall elect one member;

(b) of 1,000 but less than 3,000 shall elect two members;

(c) of 3,000 but less than 6,000 shall elect three members;

(d) of 6,000 but less than 10,000 shall elect four members;

(e) of 10,000 or more shall elect five members.

Interpreta-
tion

(3) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2. R.S.O. 1950, c. 38, s. 7 (2-4).

(4) In addition to the members elected under subsection 1 or 2, an additional member or members may be appointed by a county council or councils and an additional member by a separate school board in the same manner and under the same conditions as if the board of education were a high school board. 1951, c. 6, s. 1, *amended*.

54.—(1) The members of a board of education to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election. R.S.O. 1950, c. 38, s. 7 (7).

(2) Notwithstanding the residence qualification prescribed in *The Public Schools Act*, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who is assessed in the district and resides within five miles of the boundaries of the district, shall, unless otherwise disqualified, be qualified to be a member of the board of education of the district. R.S.O. 1950, c. 38, s. 7 (8), *amended*.

(3) The first election shall take place at the time of holding the municipal elections in the year in which the by-law or by-laws establishing the board of education is or are passed, but nothing in this section shall affect any board having jurisdiction over any public school, high school or vocational school during the year in which such by-law is passed.

(4) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

(5) At the first election the full number of elective members shall be elected.

(6) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Where one member elected (7) Subject to subsection 8, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized.

Where several municipalities elect one member (8) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized.

Retirement where members have equal votes (9) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected is elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lot to be cast by the secretary in the presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections (10) At each annual election after the first, a sufficient number of members shall be elected for two years to fill the places of the members retiring.

Retiring members eligible for re-election (11) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified. R.S.O. 1950, c. 38, s. 7 (9-17).

Appointment by separate school board (12) The appointment of a member or members by a separate school board shall be made at the last regular meeting thereof in the year before the first meeting of the board of education is to be held and at its last regular meeting in every second year thereafter, and any member so appointed shall hold office for two years and until his successor is appointed. R.S.O. 1950, c. 38, s. 7 (18, 19), *amended*.

Members of appointing body not eligible (13) No member of a body having the right to appoint a member of a board of education shall be eligible for appointment or election as a member of the board. R.S.O. 1950, c. 38, s. 7 (20).

Additional representation (14) When by reason of increased population additional representation on a board of education becomes necessary, the appointment shall be made or the election shall take place of the additional members at the regular time for the next

ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with subsection 6. R.S.O. 1950, c. 38, s. 7 (1), cl. (f).

55.—(1) A member of a board of education who is a separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. R.S.O. 1950, c. 38, s. 27. Restrictions on appointed members

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint. R.S.O. 1950, c. 38, s. 7 (6). Failure to appoint

(3) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. Vacancies in office of appointed members

(4) When an appointing body fails to appoint a member at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1950, c. 38, s. 12. Idem

56.—(1) Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancies in cases of elected members

(2) In case of an equality of votes, the elected member present having the largest number of votes at his election shall have a second or casting vote. Casting vote

(3) Where a vacancy occurs within one month of the time for the next ensuing annual election, it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. R.S.O. 1950, c. 38, s. 11. Vacancies within one month of annual election

Disqualifica-
tion
Rev. Stat.,
c. 316

57. Subject to subsection 2 of section 54, the provisions of *The Public Schools Act* and of Part II respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards of education. R.S.O. 1950, c. 38, s. 25.

Annual
election of
board,
vote of
ratepayers
on question

58.—(1) Where a board of education has jurisdiction in only one municipality, the council of the municipality may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of the annual election of the members of the board of education?" and if the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall be elected annually, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board shall cease to hold office on the 31st day of December of the same year.

Adoption of
two-year
term for
members of
board

(2) The council of any municipality in which the members of the board of education have been elected annually for five years under subsection 1 may before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of the members of the board of education holding office for a term of two years?" and if the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall thereafter be elected for a term of two years in accordance with section 54, or where the same applies section 59, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board then in office shall cease to hold office on the 31st day of December of the same year.

Return to
one-year
term

(3) Whenever members of a board of education are elected under subsection 2, elections thereunder shall continue to be held for a period of not less than six years before the members may again be elected under subsection 1. R.S.O. 1950, c. 38, s. 8.

Election of
members by
wards in
cities of
100,000

59.—(1) The council of a city having a population of not less than 100,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the board of education by wards?"

How board
to be
constituted
if question
answered in
affirmative

(2) If the question is answered in the affirmative by a majority of the persons voting thereon, the clerk of the city

shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

(3) The question provided for in subsection 1 may be submitted notwithstanding that the by-law establishing a board of education for the city has not come into effect, and if the question is answered in the affirmative by a majority of the persons voting thereon, the elective membership of the board shall consist of two members to be elected in each ward of the city.

(4) At the first election held after the question has been so answered in the affirmative, the requisite number of members shall be elected, and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year, and until their respective successors have been elected under this Part and the new board organized.

(5) At each annual election after the first, the term of office of each elected member shall be two years. R.S.O. 1950, c. 38, s. 9 (1-5).

(6) Except as otherwise provided in this section, the provisions of this Part shall apply to a board of education organized under this section. R.S.O. 1950, c. 38, s. 9 (7).

(7) The council of any city which has passed a by-law under this section may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of repealing the by-law for electing the board of education by wards?" and if the question is answered in the affirmative by a majority of the electors voting thereon, the election shall thereafter be conducted in the manner provided by section 54. R.S.O. 1950, c. 38, s. 10.

60.—(1) When a board of education has jurisdiction in only one municipality, and at a meeting of a board of education specially called for that purpose a majority of the members of the board vote in favour of the dissolution of the board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the board of education?" be submitted to a vote of the electors of the municipality.

Board dissolved upon affirmative vote

(2) The council shall at the next municipal election submit the question to a vote of the electors, and if the question is answered in the affirmative by a majority of the electors voting thereon, the board of education shall be dissolved on the 31st day of December of the year in which the vote is taken.

High school and public school board established

Rev. Stat., c. 316

(3) Upon the dissolution of the board of education, a high school board and a public school board shall be established in the municipality, and the provisions of Part II and *The Public Schools Act* shall apply with respect to the appointment of high school trustees and the election of public school trustees respectively.

Disposition of assets and liabilities

(4) Upon the dissolution of the board of education, all property held or possessed by the board for high school purposes shall vest in the high school board and all property held or possessed by the board for public school purposes shall vest in the public school board, and all debts, contracts, agreements and liabilities for which the board of education was liable shall become obligations of the high school board or the public school board, as the case may be.

In the event of dispute

(5) In the event of a dispute as to the division of the property and liabilities of the board of education, the division shall be made by the municipal council, whose decision shall be final. R.S.O. 1950, c. 38, s. 16 (1-5).

Board of education dissolved upon enlargement or dissolution of high school district

(6) Where a board of education has jurisdiction in only one municipality and the high school district is dissolved or enlarged to include other municipalities, the board of education shall *ipso facto* be dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3 and subsections 4 and 5 shall apply. R.S.O. 1950, c. 38, s. 16 (6), *amended*.

Application of section
Rev. Stat., c. 38

61.—(1) This section applies to every union board of education heretofore established under *The Boards of Education Act* or any predecessor thereof, that is in existence on the day this Act comes into force. *New*.

Trustees of union board

(2) The members of the high school and public school boards forming the union shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board of education. R.S.O. 1950, c. 38, s. 17 (3), *part, amended*.

To be a corporation

(3) Every union board of education shall be a corporation by the name of "The Board of Education for (*naming the municipality in which the high school is situated*)", and such corporation shall have all the powers, perform all the duties

and be subject to all the obligations of high school and public school boards. R.S.O. 1950, c. 38 s. 18.

(4) If at a meeting of a union board of education specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board shall be dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote. Dissolution of union boards

(5) Where a union board of education is dissolved, the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. Trustees to continue in office

(6) Upon the dissolution, all property held or possessed by the union board of education for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board of education for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board of education at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose. Division of property

(7) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situated. When council to make division
R.S.O. 1950, c. 38, s. 19 (1-4).

(8) Notwithstanding subsection 5, where the high school district and public school section for which a union board of education has been formed cease to be composed of the same area, the union board of education shall *ipso facto* be dissolved as of the date the district and section cease to be composed of the same area, and the provisions of Part II and of *The Public Schools Act* shall apply with respect to the appointment of high school trustees and the election of public school trustees respectively. 1951, c. 6, s. 2. Automatic dissolution

62.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister, may, Special and advanced courses of study in high schools

(a) make such modifications of the school courses provided in the high, industrial, technical and art schools under its jurisdiction as it deems expedient;

- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

Application
of regula-
tions

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations. R.S.O. 1950, c. 38, s. 26.

Psychiatrist
or psycholo-
gist

(3) Every board of education shall have power to appoint a psychiatrist or a psychologist, to fix his salary and to define his authority. 1951, c. 6, s. 3.

Mileage
allowance
and fee for
attendance
at meetings

(4) A board of education of a high school district which comprises two or more municipalities or parts thereof may pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year. R.S.O. 1950, c. 38, s. 24.

Application
of Rev. Stat.
c. 316, etc.

63. The provisions of *The Public Schools Act* and Parts II and III, which are not inconsistent with this Part, shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they shall not apply to boards of education or union boards of education. R.S.O. 1950, c. 38, s. 28.

PART V

GENERAL

Declaring
schools
open

64.—(1) In a county, the board of a high school district which consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to,

- (a) county pupils of the county in which the district is situated;
- (b) county pupils of an adjoining county;
- (c) resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district,

and where a resolution or by-law is passed under clause *a*, may request the council of the county in which the district

is situated to appoint one additional trustee who shall hold office for one year.

(2) The board of a secondary school district in a county, ^{Idem} other than a high school district which consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to,

- (a) county pupils of an adjoining county;
- (b) resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

(3) The board of a secondary school district in a territorial ^{Idem} district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

(4) The board of any high school district may by resolution ^{Idem} or by-law declare all or any of its vocational schools open to,

- (a) county pupils of any county;
- (b) resident pupils of any secondary school district.

(5) Where a school is declared open under this section, ^{Notice} the board shall notify the clerk of the county concerned or the secretary of the board of the secondary school district concerned, as the case may be. 1951, c. 32, s. 3, *amended*.

(6) Where a school is declared open under this section, ^{Revocation of declaration} the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the clerk of the county concerned or to the secretary of the board of the secondary school district concerned, as the case may be, that the school or schools will no longer be open to the county or resident pupils, and upon the giving of such notice such county or resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. R.S.O. 1950, c. 165, s. 42 (2), cl. (b), *amended*.

65.—(1) A secondary school board which has established ^{Agreements for education at outside schools} one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board. R.S.O. 1950, c. 165, s. 30 (1), *amended*.

- Idem** (2) The council of a municipality in a territorial district which, or part of which, has not been established as or included in a secondary school district may enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1950, c. 66, s. 6 (7), *amended*; 1953, c. 44, s. 1, *part, amended*; R.S.O. 1950, c. 413, s. 13 (6), *amended*.
- Admission to grade 9** **66.**—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9.
- Idem** (2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade.
- Admission to grades 10-13** (3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.
- Reduction in grade** (4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.
- Admission to evening courses** (5) An applicant shall be entitled to enter an evening course of study in a high school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission shall not entitle him to admission to the high school day courses. R.S.O. 1950, c. 165, s. 57; c. 66, s. 11.
- Idem** (6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1950, c. 413, s. 5 (5), *amended*.
- Right to attend school, county pupils** **67.**—(1) A county pupil has the right to attend any secondary school in the county in respect of which he is a county pupil except a secondary school in a secondary school district which consists of a city or separated town. R.S.O. 1950, c. 165, s. 55 (1), *amended*.
- resident pupils** (2) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

(3) Subject to subsections 4, 5 and 6, a county pupil, or ^{county and} ^{resident} a resident pupil of a secondary school district, has the right ^{pupils} to attend any secondary school,

- (a) which is more accessible to the pupil than any secondary school in his own county or secondary school district, as the case may be;
- (b) to take a course of study leading to a type of secondary school graduation diploma that is not available in his own county or secondary school district, as the case may be;
- (c) to take a two-year trade course in grades 9 and 10 of a vocational school if the course is not available in his own county or secondary school district, as the case may be;
- (d) to take a grade 13 subject or subjects not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (e) to take a course of study which includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13, not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

(4) Subsection 3 applies to a county pupil only if,

Restrictions

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

(5) Subsection 3 applies to a resident pupil of a secondary ^{idem} school district in a county only if,

- (a) the school has been declared open to such pupils; and
- (b) in the case of a high or continuation school, the school is situated in his own county outside of

a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem (6) Subsection 3 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school. 1952, c. 36, s. 6, *amended*.

Non-resident pupils (7) At its discretion a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. R.S.O. 1950, c. 165, s. 55 (4), *amended*.

County pupils, cost of education **68.**—(1) The cost of education of county pupils attending a secondary school which they have a right to attend under section 67 shall be provided and paid to the board of the school by the council of the county to the extent, according to the basis, in the manner and at the times set out in this section.

Basis and levy (2) The cost of education of such county pupils shall be determined on the basis of the cost for the preceding calendar year and shall be levied, become due and be paid in any year in respect of the cost of the preceding calendar year.

When payable (3) The amounts payable by the council of the county shall be paid not later than the 1st day of July in the year in which they become due and shall be included in and levied and collected as part of the county rates for that year.

Calculation of cost (4) The cost of education of such county pupils attending a high or continuation school shall be calculated in the following manner:

(a) First, the total gross current expenditures for the calendar year for maintenance of the high or continuation schools under the jurisdiction of the board and for permanent improvements thereof, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect of the schools shall be ascertained.

(b) Second, the total gross revenues for the same calendar year in respect of the schools from legislative grants, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except taxation, shall be ascertained.

- (c) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.
- (d) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils.
- (e) Fifth, the perfect aggregate attendance of all county pupils from the county at the schools during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in subsection 1. R.S.O. 1950, c. 66, s. 8, *amended*; c. 165, ss. 41 (1-3), 42 (1), (2) *part, amended*.

(5) The cost of education of such county pupils attending ^{Idem} a vocational school shall be calculated in the manner provided in subsection 4 except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board. R.S.O. 1950, c. 413, s. 13 (3) *part, (4, 5), amended*.

(6) The cost of education of county pupils to be paid by ^{Levy for} the council of a county shall be levied as part of the county ^{county} rates in the following municipalities and in the following ^{pupils} manner:

- (a) 50 per cent of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district; and
- (b) the remaining 50 per cent by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district and in which the county pupils reside or are assessed or their parents or

guardians are assessed, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils. R.S.O. 1950, c. 66, s. 10 (1); c. 165, s. 43 (1, 2); c. 413, s. 13 (3) *part; amended*.

Proviso

(7) Notwithstanding subsection 6, the council of the county may, during the first year of the inclusion in a secondary school district of any municipality or part of a municipality that forms part of the county, levy a portion of the cost of education of the county pupils against the whole rateable property in the municipality or part in the same manner as if the municipality or part were not included in a secondary school district. R.S.O. 1950, c. 165, s. 43 (3), *amended*.

Proviso

(8) Notwithstanding subsection 6, the county levy in respect of county pupils attending continuation schools shall include a levy upon and against the whole rateable property in a continuation school district against which property no levy is made for maintenance of the continuation schools in the continuation school district. R.S.O. 1950, c. 66, s. 10 (2), *amended*.

Where no
fees
payable

69.—(1) No fees shall be payable by or in respect of,

- (a) a county pupil attending a secondary school which he has a right to attend under section 67;
- (b) a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. R.S.O. 1950, c. 66, s. 6 (1), *amended*; c. 165, s. 54 (1), *amended*.

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 28 or under subsection 1 of section 65 or which he has a right to attend under subsection 3 of section 67, the board of the secondary school district of which he is a resident pupil shall pay fees to the board which operates the secondary school, calculated in accordance with subsection 4 or 5 of section 68, as the case requires, except that legislative grants shall not be deducted as provided in clause c of the said subsection 4. R.S.O. 1950, c. 66, s. 6 (2, 3), *amended*; c. 165, ss. 42 (2) *part*, (3), 54 (2), *amended*; c. 413, s. 13 (8), *amended*.

Idem

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 65, the council of

the municipality shall pay fees to the board which operates the secondary school calculated in accordance with subsection 4 or 5 of section 68, as the case requires. 1953, c. 44, s. 1, *part, amended*; R.S.O. 1950, c. 413, s. 13 (7), *amended*.

(4) Where a pupil other than one referred to in subsection 1, ^{Idem} 2 or 3 attends a secondary school, the board that operates the school may require that such fees as the board may prescribe shall be paid by or on behalf of the pupil, but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. R.S.O. 1950, c. 66, s. 6 (5), *amended*; c. 165, s. 54 (3), *amended*.

(5) Fees payable under this section shall be payable to ^{Fees payable} the treasurer of the board. R.S.O. 1950, c. 165, s. 54 (4). ^{to treasurer}

(6) Notwithstanding sections 67 and 68, where a pupil, ^{Limitation} ^{on right to} ^{attend with-} ^{out payment} ^{of fees}

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon payment of such fees as the board that operates the school may prescribe but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 68, as the case requires. R.S.O. 1950, c. 66, s. 6 (8), *amended*; c. 165, s. 56, *amended*; c. 413, s. 5 (8), *amended*.

70.—(1) A county pupil who applies for admission to ^{Admission} ^{of county} ^{pupils and} ^{resident} ^{pupils from} ^{other} ^{districts} any secondary school, or a resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district, shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

(a) in the case of a county pupil, the name of the county in respect of which he is a county pupil;

(b) in the case of a resident pupil, the name of the secondary school district in respect of which he is a resident pupil;

(c) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which

the school is situated, and if so assessed the amount of such assessment;

- (d) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of admission

(2) The principal of the school shall forward the statement to the secretary of the board which operates the school and if the pupil is admitted the secretary of the board shall forthwith notify the clerk of the county of which the pupil is a county pupil or the secretary of the board of the district of which the pupil is a resident pupil, as the case may be, of the fact of the admission and of the information included in the statement. R.S.O. 1950, c. 165, s. 45, *amended*.

Disagreements as to cost of education or fees

71.—(1) Where,

- (a) the council of a county and the board of a secondary school district attended by county pupils from the county are unable to agree upon the sum to be paid for the cost of education of such county pupils under section 68;
- (b) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 69; or
- (c) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 69,

the matter shall be referred to the county judge who shall determine the matter.

Reference and directions

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may deem fit.

Filing of documents, etc.

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the cost of education of the county pupils to be paid by the county, the fees to be paid by the

board or the fees to be paid by the municipality, as the case may be.

(4) The costs of the reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. R.S.O. 1950, c. 165, s. 42 (4-6), *amended*. Costs of reference

72.—(1) The council of any county may raise, in addition to any sum which it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvements of the continuation or high schools situated in the county, but any additional sum so raised shall be by a general county levy and, subject to subsection 2, Additional county levies

(a) if the sum is raised for the continuation schools, shall be apportioned among all the continuation schools in proportion to the liability of the county to each board; and

(b) if the sum is raised for the high schools, shall be apportioned among all the high schools in proportion to the liability of the county to each board.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation or high schools in the county without making a similar provision for the other continuation or high schools. Grants to particular schools

(3) The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum which it is required to raise by this Act, may make grants as it may deem expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. R.S.O. 1950, c. 66, s. 9 (1, 2); c. 165, s. 51; *amended*. Local municipality grants

73. The council of united counties may apportion the amount to be levied for the cost of education of county pupils so that each county shall be liable only in respect of its own county pupils. R.S.O. 1950, c. 66, s. 9 (3); c. 165, s. 53; *amended*. Apportionment of cost of education in united counties

74.—(1) The council of a county may establish a consultative committee which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council. Consultative committee in county

Functions

(2) The council may submit to the committee and direct it to report upon petitions for the establishment of new secondary school districts or the alteration of the boundaries of existing secondary school districts, and may direct the committee to obtain information and make recommendations regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the county.

Minister
may employ
committee

(3) The Minister may direct the committee to obtain and supply the Department with information upon any question affecting applications for the approval of secondary school districts or of sites or buildings therefor.

Information
to be
supplied to
committee

(4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident, county and other pupils and of all revenues and expenditures together with any further information which the committee may require concerning matters in any way affecting the provision of secondary school education in the county.

Reports,
etc., not
binding

(5) The reports and recommendations of the committee shall not be binding upon the Minister, the county council or any of the secondary school boards having jurisdiction in the county. R.S.O. 1950, c. 165, s. 47, *amended*.

Consult-
ative com-
mittee in
territorial
district

75.—(1) The Minister may establish one or more consultative committees for the purpose of investigating the existing facilities for secondary school education in a territorial district or in any part thereof designated by him, and the committee, subject to subsection 2, shall be composed of such persons appointed by the Minister as he deems proper and may include one or more representatives of any department of the public service of Ontario.

Municipal
appoint-
ment

(2) The council of any municipality having a population of 2,000 or more and situated in the territorial district, or part thereof, for which the committee is established may appoint one member of the committee.

(3) The committee shall obtain information and make ^{Functions} recommendations to the Minister regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the territorial district, or part thereof, for which the committee is established.

(4) All secondary school boards and municipal councils ^{Information to be supplied to committee} having jurisdiction within the territorial district, or part thereof, for which the committee is established shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures with respect to secondary school education, together with any further information which the committee may require concerning matters in any way affecting the provision of secondary school education in the territorial district or part thereof.

(5) The reports and recommendations of the committee ^{Reports, etc., not binding} shall not be binding upon the Minister or any school board or municipal council having jurisdiction in the territorial district or part thereof.

(6) The travelling expenses of members of the committee ^{Travelling expenses} appointed by the Minister shall be paid out of such moneys as may be appropriated therefor by the Legislature.

(7) The travelling expenses of a member of the committee ^{Idem} appointed by the council of a municipality shall be paid by the municipality. *New.*

76. A secondary school board may provide and pay for ^{Transportation} the transportation of its resident pupils to any secondary school situated in the secondary school district or in any other secondary school district and, subject to the approval of the Minister, of county pupils who attend any school operated by the board, and for that purpose may,

- (a) purchase out of current revenue or by the issue of municipal debentures, a bus or buses or other vehicles; or

- (b) enter into an agreement with any corporation, commission or person for the transportation of such pupils. R.S.O. 1950, c. 66, s. 3 (3); c. 165, s. 28, cl. (i); *amended*.

Establish-
ment of
scholarships,
etc.

77.—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes. R.S.O. 1950, c. 165, s. 36, *amended*.

Idem

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may deem expedient and prescribe. R.S.O. 1950, c. 165, ss. 37, 38, *amended*.

Repeal

78. The following are repealed:

Rev. Stat.,
c. 38

1. *The Boards of Education Act.*

1951, c. 6

2. *The Boards of Education Amendment Act, 1951.*

1952, c. 6

3. *The Boards of Education Amendment Act, 1952.*

Rev. Stat.,
c. 66

4. *The Continuation Schools Act.*

1951, c. 14

5. *The Continuation Schools Amendment Act, 1951.*

Rev. Stat.,
c. 165

6. *The High Schools Act.*

1951, c. 32

7. *The High Schools Amendment Act, 1951.*

1952, c. 36

8. *The High Schools Amendment Act, 1952.*

1953, c. 44

9. *The High Schools Amendment Act, 1953.*

Rev. Stat.,
c. 413

10. *The Vocational Education Act.*

1951, c. 92

11. *The Vocational Education Amendment Act, 1951.*

1952, c. 111

12. *The Vocational Education Amendment Act, 1952.*

Commence-
ment

79. This Act comes into force on the day it receives Royal Assent.

Short title

80. This Act may be cited as *The Secondary Schools and Boards of Education Act, 1954*.

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THE SEPARATE SCHOOLS ACT

Revised Statutes of Ontario, 1950

CHAPTER 356

As amended by 1953, Chapter 98, and 1954, Chapter 89



TORONTO

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1954

PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

- The Department of Education Act, 1954
- *The Public Schools Act
- The Schools Administration Act, 1954
- *The Secondary Schools and Boards of
Education Act, 1954
- *The Separate Schools Act
- The Ontario School Trustees' Council Act, 1953
- The Teachers' Superannuation Act
- The Teaching Profession Act
- The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Separate Schools Act

Revised Statutes of Ontario, 1950

CHAPTER 356

*as amended by
1953, Chapter 98, and 1954, Chapter 89*

PART I

PROTESTANT AND COLOURED SEPARATE SCHOOLS

1. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. Conditions on which separate schools may be established R.S.O. 1950, c. 356, s. 1.

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. Coloured people R.S.O. 1950, c. 356, s. 2.

3. In a township the council shall prescribe the location of the school or schools authorized to be established under sections 1 and 2. Location R.S.O. 1950, c. 356, s. 3.

4. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the schoolhouse. Who may be supporter of school for coloured people R.S.O. 1950, c. 356, s. 4.

5. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 26. Election of trustees R.S.O. 1950, c. 356, s. 5.

6. On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. Commencement and regulations R.S.O. 1950, c. 356, s. 6.

7. None but coloured people shall vote at the election of trustees of a separate school established for coloured people, Voters defined

and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1950, c. 356, s. 7.

Union of
wards in
cities and
towns

8. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1950, c. 356, s. 8.

Restriction
upon estab-
lishment of
Protestant
school

9. No Protestant separate school shall be established in any school section except when the teacher of the public school in the section is a Roman Catholic. R.S.O. 1950, c. 356, s. 9.

Exemption
from public
school rates

10.—(1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of the school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

Exemption
conditional

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1950, c. 356, s. 10.

Not to
share

11. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1950, c. 356, s. 11.

Share of
legislative
grant

12. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1950, c. 356, s. 12.

Half-yearly
return to
inspector

13.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of the separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

(2) The inspector shall, upon the receipt of the return, ^{Inspector to report to clerk} forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

(3) Except for a rate for building schoolhouses undertaken ^{Exemption of supporters of separate schools from rates} before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate and the board of trustees shall not include in their school rolls any person whose name appears upon the last-mentioned return.

(4) The clerk or other officer of the municipality within ^{Use of assessor's roll by board} which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of the roll so far as it relates to their school section. R.S.O. 1950, c. 356, s. 13.

14. Sections 27 to 50 and 52 to 55 shall apply to the ^{Application of ss. 27-50, 52-55} trustees and teachers of the separate schools. R.S.O. 1950, c. 356, s. 14.

15. The trustees of a separate school shall be a body cor- ^{Corporation name and powers} porate under the name of "The Trustees of the Protestant (or Coloured) Separate School of in the Township (City, Town or Village, *as the case may be*) of", and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 68. R.S.O. 1950, c. 356, s. 15.

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS ESTABLISHMENT

16. This Part shall apply to separate schools for Roman ^{Application of Part} Catholics now or hereafter established. R.S.O. 1950, c. 356, s. 16.

17. In this Part,

<sup>Interpreta-
tion</sup>

(a) "Department" means Department of Education;

(b) "Minister" means Minister of Education;

(c) "regulations" means regulations made under *The* ^{Rev. Stat., c. 94} *Department of Education Act*;

- (d) "rural school" means separate school for Roman Catholics in a township or in territory without municipal organization;
- (e) "secretary" or "treasurer" includes secretary-treasurer;
- (f) "separate school" means separate school for Roman Catholics;
- (g) "urban school" means separate school for Roman Catholics in a city, town or village. R.S.O. 1950, c. 356, s. 17.

Meeting to
establish a
separate
school

18. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1950, c. 356, s. 18.

Election of
trustees

19. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1950, c. 356, s. 19.

Notice of
meeting;
and to
whom given

20.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

Notification
of result to
Department

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustee, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department.

Corporate
name of
trustees

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, as the case may be) of" and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number, in the Township of". R.S.O. 1950, c. 356, s. 20.

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act. Meeting for purpose of electing trustees

(2) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council. Legislative grants

(3) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than five and not more than ten per cent on the money collected by him, and every collector shall give such security as may be required by the board. Appointment of collector

(4) Every collector shall have the same powers in collecting the school rate, rate-bill or subscription and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. Powers and duties of collectors
R.S.O. 1950, c. 356, s. 21.

RURAL SEPARATE SCHOOLS

Meetings of Supporters and Elections

22. For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. Trustees' term of office
R.S.O. 1950, c. 356, s. 22.

23.—(1) The trustees elected at the first meeting shall hold office, Retirement by rotation

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Resignation

(3) A trustee may resign with the consent in writing of the other trustees.

Re-election

(4) A retiring trustee may be re-elected with his own consent; otherwise he shall be exempted from serving for four years next after leaving office. R.S.O. 1950, c. 356, s. 23.

Trustees' qualification

24. Any person being a British subject not less than 21 years of age may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1950, c. 356, s. 24.

Electors, qualification of

25. Every householder or freeholder of the full age of 21 years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1950, c. 356, s. 25.

Annual meeting, when held

26.—(1) A meeting of the supporters of the school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Idem

(1a) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. 1954, c. 89, s. 1.

Organization of meeting

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the pro-

ceedings of the meeting and perform such other duties as are required of him by this Part.

(3) The business of the meeting may be conducted in the following order: Order of business

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll. Granting poll and proceedings in case of a poll

(6) Where a poll is granted the secretary shall enter in a poll-book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in poll book

(7) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper

(8) A voter shall mark his ballot, Marking of ballot paper

- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.

(9) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose which is so Manner of voting

arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for the purpose.

Appoint-
ment of
scrutineer

(10) Every candidate may appoint a person to act as his scrutineer during the election.

When vote
is objected to

(11) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration whereupon the person making the declaration shall be entitled to vote:

I, declare,

(a) That I am an assessed householder or freeholder in School Section No.;

(b) That I am of the full age of 21 years;

(c) That I am a supporter of the Roman Catholic Separate School in said School Section No.;

(d) That as such supporter I have the right to vote at this meeting.

When poll
shall close

(12) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

Polling at
afternoon
meetings

(13) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Counting
votes,
casting
vote

(14) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

Declaration
of result

(15) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a

school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

(16) A statement of the result of the vote shall be certified ^{Statement of result of poll} by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

(17) A correct copy of the minutes of every meeting, signed ^{Transmitting minutes to Department} by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department.

(18) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O. 1950, c. 356, s. 26 (2-18). ^{Meetings to be called in default of first or annual meetings}

Organization of Board

27. A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1950, c. 356, s. 27. ^{Organization and quorum}

28. No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1950, c. 356, s. 28. ^{Regularity}

Duties of Officers

29. It shall be the duty of the secretary, ^{Duties of secretary}

(Clause a repealed by 1954, c. 89, s. 2.)

(b) to call, at the request in writing of two trustees, a special meeting of the board;

(c) to give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1950, c. 356, s. 29.

(Sections 30 and 31 repealed by 1954, c. 89, s. 3.)

Appointment of Auditor by Minister

Appoint-
ment of
auditor by
Minister

32. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1950, c. 356, s. 32.

Union Boards

What
unions may
be formed

33.—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within 15 days to the clerk or clerks of the municipality or municipalities and to the Minister, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 26.

Corporate
name

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate School for the United Sections numbers.....in the.....". R.S.O. 1950, c. 356, s. 33.

School Sites

Selection
and change
of school
site

34.—(1) The board shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Arbitration
when
trustees and
ratepayers
differ as to
site

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and the three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Recon-
sideration
of award

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to

reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1950, c. 356, s. 34.

Separation

35.—(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the inspector of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

Establishment of separate school in portion of rural section

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators shall be final and binding.

Arbitration

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1950, c. 356, s. 35.

Property liable for debentures

URBAN BOARDS

Trustees and Tenure of Office

36.—(1) For every ward into which a city or town is divided there shall be two trustees, each of whom, after the first election, shall continue in office for two years.

Trustees in city, etc., divided into wards

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election, which determination shall be entered

Retirement by rotation

upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer.

Number of trustees may be limited to six by resolution

(3) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Effect of adoption of resolution

(4) When such resolution has been adopted, the election shall thereafter be by vote of the separate school ratepayers of the whole municipality.

Retirement

(5) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the separate school ratepayers of the whole municipality to fill the place of the same number retiring by rotation. R.S.O. 1950, c. 356, s. 36.

Trustees in village

37.—(1) In every village there shall be six trustees, each of whom, after the first election, shall continue in office for two years.

Retirement by rotation

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other three shall continue in office one year longer. R.S.O. 1950, c. 356, s. 37.

Term of office

38. A trustee shall continue in office until his successor has been elected. R.S.O. 1950, c. 356, s. 38.

Election of Trustees

Nominations

39.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting.

Returning officer

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer, a chairman chosen by the meeting shall preside.

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of the office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Proceedings at nominations

(4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Hours of polling

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

Place for nomination and election

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of returning officer after close of election

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

Duty of secretary

(8) If two or more candidates have an equal number of votes, at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

Casting vote

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 40.

Voting to be open

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing

Furnishing voters' list in cities and towns divided into wards

thereto a list of the names of all supporters of separate schools for Roman Catholics.

Furnishing
voters' list
in towns not
divided into
wards, and
in villages

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village as provided by subsection 10.

For each
polling
place

(12) The board shall provide every polling place with such lists and with a poll book.

Entries in
poll book

(13) At every election at which a poll is demanded, the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against".

Declaration
by voters

(14) If an objection is taken to the right of any person to vote, the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 11 of section 26.

Where non-
resident is
to vote

(15) Where a school supporter resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the schoolhouse is situate which is nearest to his place of residence.

Furnishing
voters' list
of separate
school
supporters
to board

(16) In cities and towns, the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision, as the case may be, with the letter "S" marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter. R.S.O. 1950, c. 356, s. 39.

Adoption
of ballot

40.—(1) The board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 39. Discontinu-
ance

(3) Where the board requires the voting to be by ballot and elections are so held, no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued, the provisions of section 39 shall apply for a period of three years at least after the discontinuance. Ballot not
to be dis-
continued
or resumed
for three
years after
the change R.S.O. 1950, c. 356, s. 40.

41. Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that, Municipal
Act to
apply;
Rev. Stat.,
c. 243

(a) the oath to be taken by a voter shall be:

form of
oath;

You swear that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of 21 years;

That you are a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more such candidates so as to decide the election; casting vote;

(c) the duties to be performed by the clerk shall be performed by the secretary; and duties of
secretary;

substituted
term

(d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1950, c. 356, s. 41.

Election of
trustees,
who may
vote

42. In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of trustees of the Roman Catholic separate schools. R.S.O. 1950, c. 356, s. 42.

Irregularities Not to Void Elections

No election
to be invalid
for want of
compliance
with Act
where
result not
affected

43. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1950, c. 356, s. 43.

Controverted Elections

Investiga-
tion of com-
plaints by
judge

44.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within 20 days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Powers of
judge

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Order of
judge

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

Bribery and
undue
influence
Rev. Stat.,
c. 243

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in

reference thereto shall be by oral testimony only. R.S.O. 1950, c. 356, s. 44.

MEETINGS OF THE BOARD

45. (*Subsections 1, 2 and 3 repealed by 1954, c. 89, s. 4 (1).*)

(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. R.S.O. 1950, c. 356, s. 45 (4).

(*Subsection 5 repealed by 1954, c. 89, s. 4, (1).*)

(6) For the purposes of subsection 8 of section 39, a majority of the trustees remaining in office shall constitute a quorum. R.S.O. 1950, c. 356, s. 45, (6); 1954, c. 89, s. 4 (2).

DUTIES AND POWERS OF TRUSTEES

46. It shall be the duty of every board and it shall have power,

- (a) to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;
- (b) to appoint annually on or before the 1st day of December an auditor or auditors;
- (c) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money;
- (d) to provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the regulations, for all children between the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year; R.S.O. 1950, c. 356, s. 46 (a-d).

- (e) to acquire or rent school sites and premises and build school buildings. 1954, c. 89, s. 5 (1).

collection
of rates;

- (f) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of February in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums, and such moneys shall be paid to the board on the warrant of the proper inspector;

Notice of
names and
addresses;

- (g) to give notice in writing to the Department, before the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein; R.S.O. 1950, c. 356, s. 46 (f, g).

(Clause h repealed by 1954, c. 89, s. 5 (2).)

exemptions
and notice
thereof;

- (i) to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February; R.S.O. 1950, c. 356, s. 46 (i).

(Clause j repealed by 1954, c. 89, s. 5 (2).)

possession
and custody
of property;

- (k) to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and to convey the same and apply the proceeds thereof to school purposes or as provided by this Act; R.S.O. 1950, c. 356, s. 46 (k).

(Clause l repealed by 1954, c. 89, s. 5 (2).)

- (m) to exercise all such other powers and perform all such ^{other} other duties of public school boards as are applicable ^{powers and} duties; to the case of separate schools, except as to matters as to which other provision is made by this Act; R.S.O. 1950, c. 356, s. 46 (m).

(Clauses n, o and p repealed by 1954, c. 89, s. 5 (2).)

- (q) to appoint from its members annually, or oftener if ^{to appoint} deemed expedient, and under such regulations as may ^{a committee} be deemed proper, a committee of not more than ^{for each} three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations; R.S.O. 1950, c. 356, s. 46 (q).

(Clauses r and s repealed by 1954, c. 89, s. 5(2).)

In the case of a rural board,

- (l) to appoint the place of each annual school meeting of ^{time and} the supporters of the school, and the ^{place of} time and ^{meetings;} place of any special meeting for,

- (i) filling any vacancy in the board,
- (ii) the selection of a new school site,
- (iii) the appointment of a school auditor, or
- (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

- (u) to arrange for the payment of teachers' salaries ^{payment of} quarterly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding eight per cent per annum, the money required for that purpose until the taxes are collected;
- (v) to cause to be prepared and read at the annual school ^{annual} meeting a report for the year then ending, containing ^{report;} among other things a summary of the proceedings of the board during the year, together with a full and

detailed account of the receipts and expenditures of all school money during such year and signed by the chairman and by one or both of the school auditors;

report on
blind, deaf
and dumb;

- (w) to ascertain and report to the Minister at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind;

providing
attendance
for minor
surgical
operations

- (x) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector are employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1950, c. 356, s. 46 (t-x).

VACANCY IN OFFICE OF TRUSTEE

Vacancy in
office of
trustee

47.—(1) If a vacancy in the office of trustee for a rural school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

Proceed-
ings at new
election

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election. R.S.O. 1950, c. 356, s. 47.

(Section 48 repealed by 1950, c. 89, s. 6.)

TEACHERS

Duties of
teacher;

49. It shall be the duty of every teacher,

instruction;

- (a) to teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the regulations;

keeping
registers;

- (b) to keep in the prescribed form the general, entrance, and daily class or other registers of the school, and to record therein the admission, promotion, suspension or removal of the pupils;

order and
discipline;

- (c) to maintain proper order and discipline in his schools according to the regulations;

- (d) to keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and to request every visitor to enter therein any remarks suggested by his visit; visitors' book;
- (e) to afford the trustees and visitors access at all times when desired by them to the registers and visitors' book; R.S.O. 1950, c. 356, s. 49 (a-e). give access to register and visitors' book;

(Clause f repealed by 1954, c. 89, s. 6.)

- (g) to hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the schoolhouse, and through the pupils to their parents or guardians; examinations;
- (h) to furnish to the Minister, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character; to furnish information to the Minister and inspector;
- (i) to prepare so far as the school registers supply the information such reports of the board as are required by the regulations. R.S.O. 1950, c. 356, s. 49 (g-i). to prepare reports

(Sections 50-55 repealed by 1954, c. 89, s. 6.)

ASSESSMENTS, BORROWING POWERS AND GRANTS

56.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the 15th day of July in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the following year, and every subsequent year thereafter while he continues a supporter of a separate school. Exemption of supporters of separate schools from payment of public school rates

- (2) The notice shall not be required to be renewed annually. No renewal required

(3) Where an owner or tenant is not, on or before the 15th day of July in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for Time for notice by separate school supporter becoming resident

appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the 15th day of July of the year in which it is given.

Certificate
of notice

(4) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and shown the date thereof.

Penalty for
wilful false
statements
in notice

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall be guilty of an offence and liable to a penalty of \$40.

As to rates
imposed
before
separate
school
established

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1950, c. 356, s. 56.

Residence of
supporters
of separate
schools

57. Subject to the other provisions of this Part, no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the schoolhouse. R.S.O. 1950, c. 356, s. 57.

Where sup-
porter
resides
within
three miles
of two or
more schools

58.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence.

Saving as
to debenture
debt

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. R.S.O. 1950, c. 356, s. 58.

Where
person
residing
out of
municipality
to vote

59. When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the schoolhouse nearest to his place of residence is situate if within the distance of three miles in a direct line. R.S.O. 1950, c. 356, s. 59.

Liability of
non-resident
supporter

60.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

(2) The board of the school of which he is a supporter shall ^{How enforceable} on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1950, c. 356, s. 60.

61. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1950, c. 356, s. 61. ^{Right of non-residents to be assessed for separate school Rev. Stat., c. 24}

62.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality on or before the fourth Wednesday in May in any year, otherwise he shall be deemed to be a supporter of the school. ^{Notice of withdrawal of support}

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1950, c. 356, s. 62. ^{Exception}

63.—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 56, 61, 66 and 67, or by former Acts respecting separate schools. ^{Clerk to keep index book}

(2) The clerk shall enter opposite the name, in a column ^{Entries} for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 62, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by

the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.

Inspection (3) The index book shall be open to inspection by any ratepayer.

Filings (4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to be guided by index book (5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1950, c. 356, s. 63.

Correction of mistakes in assessing **64.**—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

Liability (2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1950, c. 356, s. 64.

Distinguishing the school rates **65.**—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

Idem (2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1950, c. 356, s. 65.

Case of owner and occupant **66.**—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision.

(2) Where, as between the owner and tenant or occupant, ^{When owner may exercise option} the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1950, c. 356, s. 66.

67.—(1) A corporation by notice (Form 2) to the clerk of ^{Right of corporation to support separate schools} any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, ^{Rev. Stat., c. 24} rated and assessed for the purposes of the separate school.

(2) The assessor shall thereupon enter the corporation as a ^{Duty of assessor} separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman ^{How proportions settled} Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

(4) A notice given in pursuance of a resolution of the ^{Effect of notice} directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

(5) Every notice so given shall be kept by the clerk on file ^{Filing notice} in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

(6) The assessor shall in each year, before the return of the ^{Search for notices} assessment roll, search for and examine all notices which may

be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1950, c. 356, s. 67.

Powers of trustees

68.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on which there are rates uncollected

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection of rates

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1950, c. 356, s. 68.

Trustees may copy assessment roll of municipality

69. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1950, c. 356, s. 69.

Clerk to give trustees annual statement of supporters of separate schools

70. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 56, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1950, c. 356, s. 70.

Collection of separate school rates by the municipality

71.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year or prior thereto if required by the council, shall, through its collectors and other municipal officers,

cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

(2) Any expenses attending the assessment, collection ^{Or Expenses of collection} or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1950, c. 356, s. 71.

72.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes. ^{Agreements between municipality and trustees as to payment in lieu of separate school rate}

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year. ^{Exception}

(3) The agreement may be terminated by either of the parties thereto at the end of any calendar year on giving six months previous notice to the other party. R.S.O. 1950, c. 356, s. 72. ^{Termination}

73. The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1950, c. 356, s. 73. ^{Right to establish and maintain continuation schools}

74. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall, ^{Sinking funds for separate school debentures}

Rev. Stat.,
c. 243

(a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 327 of *The Municipal Act*; or

(b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1950, c. 356, s. 74.

Borrowing
powers of
trustees of
separate
schools

75.—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the schoolhouse property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured.

Terms of
payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Debentures

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Maturity

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in 30 years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act.

Rev. Stat.,
c. 243

Sinking fund

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year

a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds. Rev. Stat., c. 243

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or county in which the separate school is situate, and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same. Publication of by-law

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. Amounts R.S.O. 1950, c. 356, s. 75.

76.—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding 12 months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. Right of separate schools to a share of municipal grant

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant. Apportionment

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. No share of local assessment for public schools R.S.O. 1950, c. 356, s. 76.

MISCELLANEOUS

77. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. Visitors of separate schools R.S.O. 1950, c. 356, s. 77.

78. The schools with their registers shall be subject to such inspection as may be directed by the Minister and shall be subject also to the regulations. Inspection of schools R.S.O. 1950, c. 356, s. 78.

79. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school. Model schools

for the training of teachers for separate schools. R.S.O. 1950, c. 356, s. 79.

Disagree-
ment
between
trustees,
inspectors,
etc.

80. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister, subject to an appeal to the Lieutenant-Governor in Council, whose decision shall be final. R.S.O. 1950, c. 356, s. 80.

(Section 81 repealed by 1954, c. 89, s. 6.)

PENSIONS, ETC.

Grant by
board to
superannua-
tion fund

82. Subject to the regulations, the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of the city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. R.S.O. 1950, c. 356, s. 82.

(Sections 83 and 84 repealed by 1954, c. 89, s. 6.)

(Section 85 as amended repealed by 1954, c. 89, s. 7.)

(Sections 86 to 99 repealed by 1954, c. 89, s. 8.)

Personal re-
sponsibility
for money
lost

100.—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection
and
application

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1950, c. 356, s. 100.

Recovery
and applica-
tion of
penalties
Rev. Stat.,
c. 379

101. Except as otherwise provided, the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and shall be applied to such separate school purposes as the Minister may direct. R.S.O. 1950, c. 356, s. 101.

FORM 1
FORM OF INDEX BOOK
(Section 63 (1))

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19...	Notice of withdrawal received 1st January, 19...
Ardagh, Joseph.....	3rd February, 19...	Disallowed by Court of Revision, 1st June, 19...
Ashbridge, Robert...	3rd February, 19...	

R.S.O. 1950, c. 356, Form 1.

FORM 2
NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX
(Section 67 (1))

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R.S., Secretary of the Company.

R.S.O. 1950, c. 356, Form 2.

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- Accommodation** SECTION
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